

HOUSE JOURNAL  
OF THE  
THIRD SESSION  
OF THE  
**Legislative Assembly**  
OF THE  
STATE OF MONTANA.

---

Begun at Helena, the Capital of said State, on the Second Day of January,  
A. D. 1893, and concluded on the Second Day of March, A. D. 1893.

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PUBLISHED BY AUTHORITY.

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Historical Society of Montana.

INTER MOUNTAIN PUBLISHING COMPANY  
STATE PRINTERS  
BUTTE CITY, MONTANA

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1893

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# OFFICERS AND MEMBERS

## OF THE

# Third Legislative Assembly.

### GOVERNOR:

JOHN E. RICKARDS.

### LIEUT.-GOV. AND PRES. OF SENATE:

ALEXANDER C. BOTKIN.

### MEMBERS OF THE THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

#### SENATE.

Names of Members.	Counties Represented.	Senatorial District Represented.	Post Office.
*George H. Brown.....	Beaverhead....	1	Dillon.
†Simeon R. Buford.....	Madison.....	2	Virginia City.
*Charles W. Hoffman.....	Gallatin.....	3	Bozeman.
†Edward Cardwell.....	Jefferson.....	4	Cold Springs
*C. H. Eggleston.....	Deer Lodge....	5	Anaconda.
†Elmer D. Matts.....	Missoula.....	6	Missoula.
*W. L. Steele.....	Lewis & Clarke	7	Helena
†J. W. Power.....	Choteau.....	8	Fort Benton.
*D. E. Folsom.....	Meagher.....	9	White Sulphur Springs.
†William McDermott.....	Silver Bow....	10	Butte.
*Reno Swift.....	Custer.....	11	Ekalaka.
†O. F. Goddard.....	Yellowstone...	12	Billings.
*T. B. Cullen.....	Dawson.....	13	Glendive.
†Charles W. Baylies.....	Fergus.....	14	Lewistown.
*George M. Hatch.....	Park.....	15	Big Timber.
†Paris Gibson.....	Cascade.....	16	Great Falls.

†Term expires one day after election in November, 1894.

\*Term expires one day after election in November, 1896.

#### SUBORDINATE OFFICERS.

David Marks.....Secretary.  
P. J. Gilligan.....Assistant Secretary.  
William P. McAllister.....Enrolling Clerk.  
F. F. Hagan.....Engrossing Clerk.  
Charles F. Riordan.....Sergeant-at-Arms.  
R. J. H. Crooker.....Chaplain.  
Morris Langhorne and Alex. Goodman.....Pages.

# OFFICERS AND MEMBERS.

## HOUSE OF REPRESENTATIVES

Names of Members.	Counties Represented.	Post Office.
Matthews, Thomas, Speaker.....	Silver Bow.....	Butte City
Bray A. F., Speaker pro tem.....	Silver Bow.....	Butte City.
Annear, Joseph.....	Silver Bow.....	Walkerville
Ash, T. S.....	Park.....	Livingston.
Babcock, A. L.....	Yellowstone.....	Billings
Bach, Thomas C.....	Lewis and Clarke.....	Helena.
Beecher, D. W.....	Cascade.....	Great Falls.
Benson, N. E.....	Meagher.....	Castle.
Bonner, Charles.....	Deer Lodge.....	Granite
Bray, C. H.....	Lewis and Clarke.....	Helena.
Burke, Ed.....	Deer Lodge.....	Anaconda.
Burns, T. C.....	Choteau.....	Chinook.
Burrell, Alex.....	Lewis and Clarke.....	Marysville
Butler, S. H.....	Missoula.....	Kalispell.
Carpenter, Stephen.....	Lewis and Clarke.....	Helena.
Coder, C. L.....	Fergus.....	Alpine
Davidson, A. J.....	Lewis and Clarke.....	Helena
Dudley, C. E.....	Lewis and Clarke.....	Marysville.
Fitschen, G. C.....	Silver Bow.....	Butte City.
Fitzgerald, T. D.....	Deer Lodge.....	Anaconda.
Fleming, J. E.....	Beaverhead.....	Bannack.
Goodell, C. M.....	Fergus.....	Philbrook.
Graves, S. W.....	Silver Bow.....	Butte City.
Gorman, Michael.....	Missoula.....	Mis-oula.
Hoffman, L. A.....	Custer.....	Miles City.
Jeffers, J. B.....	Madison.....	Ennis.
Kilgallon, T. S.....	Silver Bow.....	Butte City.
Lawrence, David.....	Silver Bow.....	Butte City.
Leech, E. E.....	Choteau.....	Choteau.
Lockey, Richard.....	Lewis and Clarke.....	Helena.
Lockhart, W. H.....	Jefferson.....	Lockhart.
Logue, W. A.....	Deer Lodge.....	Sunset.
Loring, Lyman.....	Missoula.....	Demersville.
Losee, J. B.....	Beaverhead and Deer Lodge...	Anaconda.
Lewis, Thomas H.....	Cascade and Dawson.....	Glasgow.
McKav, J. R.....	Custer.....	Miles City.
McDonel, Jas.....	Deer Lodge.....	Philipsburg.
Metzel, Alex.....	Madison.....	Puller's Springs.
Monteath, J. H.....	Silver Bow.....	Butte City.
Murphy, J. H.....	Lewis and Clarke.....	Rimini.
Martin, James E.....	Gallatin.....	Bozeman.
Rose, A. O.....	Beaverhead.....	Dillon.
Sappinton, H. H.....	Gallatin and Jefferson.....	Sappington.
Scharnikow, E.....	Deer Lodge.....	Deer Lodge
Smalley, E. C.....	Missoula.....	Stevensville.
Swett, W. H.....	Silver Bow.....	Butte City.
Tallant, D. J.....	Cascade.....	Great Falls.
Tierney, W. E.....	Meagher.....	Townsend.
Truman, Arthur.....	Gallatin.....	Spring Hill.
Van Cleve, Paul.....	Park.....	Melville.
Wahle, Benjamin.....	Jefferson.....	Boulder.
Walkup, J. R.....	Deer Lodge.....	Anaconda.
Ward, G. W.....	Deer Lodge.....	Hamilton.
Wilson, F. K.....	Silver Bow.....	Butte City.
Winter, Harry E. G.....	Jefferson.....	Basin.

## SUBORDINATE OFFICERS.

H. J. Mieli.....	Chief Clerk.
C. Z. Pond.....	Assistant Chief Clerk.
James A. Gilfillan.....	Engrossing Clerk.
N. H. Connolly.....	Enrolling Clerk.
F. C. Ives.....	Sergeant-at-Arms.
Rev. S. E. Snyder.....	Chaplain.
Jos. Ryan, L. R. Peck, Edward Boos and H. C. Beecher.....	Pages.

## FIRST DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 2, 1893.

In pursuance of law, the House of Representatives of the Third Legislative Assembly of the State of Montana was duly called to order by A. B. Cook, Auditor of said State, and having appointed D. J. Tallant as temporary Clerk, thereupon he proceeded to read the names of the members-elect, to whom the oath of office was administered by the Hon. W. H. Hunt, Judge of the First Judicial District of said State, the members having presented their certificates of election before being sworn, as follows:

J. E. Fleming,	A. O. Rose,	J. B. Losee,
D. W. Beecher,	D. J. Tallant,	T. H. Lewis,
T. C. Burns,	L. A. Huffman,	J. R. McKay,
W. A. Logue,	T. D. Fitzgerald,	Ed. Burke,
E. Scharnikow,	Charles Bonner,	J. R. Walkup,
James McDonel,	C. L. Coder,	C. M. Goodell,
Arthur Truman,	J. E. Martin,	Benj. Wahle,
Harry E. G. Winter,	W. H. Lockhart,	Henry H. Sappington,
T. S. Kilgallon,	S. W. Graves,	A. L. Babcock,
Charles E. Dudley,	Stephen Carpenter,	Charles H. Bray,
J. H. Murphy,	Alex. Burrell,	Richard Lockey,
Thomas C. Bach,	J. B. Jeffers,	Alex. Metzel,
N. E. Benson,	W. E. Tierney,	Sidney H. Butler,
G. W. Ward,	Lyman Loring,	Michael Gorman,
E. C. Smalley,	T. S. Ash,	Paul L. Van Cleve,
J. H. Monteath,	W. H. Swett,	Absalom F. Bray,
F. K. Wilson,	George C. Fitschen,	Joseph Annear.
Thomas Matthews,	David Laurence,	

Mr. A. B. Hamilton of Choteau County presented what purported to be his certificate of election and oath of office, and asked that his name be placed upon the roll of members, which the Auditor refused.

### Election of Speaker *pro tem.*:

The motion of Monteath to proceed to the election of a Speaker having been amended, on motion of Scharnikow, to proceed to the election of a temporary Speaker, the motion as amended having been adopted, Mr. Matthews was thereupon nominated by Bray of Silver Bow County for temporary Speaker, and duly elected by the following vote:



Ayes—Rose, Fleming, Tallant, McKay, Huffman, Burns, Lewis, Losee, Coder, Goodell, Winter, Carpenter, Lockey, Bray of Lewis and Clarke, Burrell, Metzel, Jeffers, Benson, Van Cleve, Annear, Graves, Laurence, Monteath, Swett, Bray of Silver Bow, Matthews, Babcock—27.

Noes—None.

Absent and not voting—Beecher, Bonner, Burke, Fitzgerald, Logue, McDonel, Scharnikow, Walkup, Martin, Truman, Sappington, Wahle, Lockhart, Bach, Dudley, Murphy, Tierney, Butler, Gorman, Loring, Smalley, Ward, Ash, Fitschen, Kilgallon, Wilson—26.

The temporary Speaker, Mr. Matthews, having assumed the chair, the motion of Lewis, that when the House shall adjourn, it adjourn until the hour of 5 P. M., January 3rd, was adopted.

Election of temporary Sergeant-at-Arms:

On motion of Monteath, it was agreed to proceed to the election of a temporary Sergeant-at-Arms, whereupon Mr. F. C. Ives, having been nominated by Bray of Silver Bow, was duly elected by the following vote:

Ayes—Rose, Fleming, Tallant, McKay, Huffman, Burns, Lewis, Losee, Coder, Goodell, Winter, Carpenter, Lockey, Bray of Lewis and Clarke, Burrell, Metzel, Jeffers, Benson, Van Cleve, Annear, Graves, Laurence, Monteath, Swett, Bray of Silver Bow, Matthews, Babcock—27.

Noes—None.

Absent and not voting—Beecher, Bonner, Burke, Fitzgerald, Logue, McDonel, Scharnikow, Walkup, Martin, Truman, Sappington, Wahle, Lockhart, Bach, Dudley, Murphy, Tierney, Butler, Gorman, Loring, Smalley, Ward, Ash, Fitschen, Kilgallon, Wilson—26.

On motion, the House thereupon adjourned to 5 o'clock P. M. January 3, 1893.

THOMAS MATTHEWS, Speaker of the House.

Attest: HENRY J. MEILI, Chief Clerk.

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## SECOND DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 3d, 1893.

House of Representatives called to order at 5 P. M., Temporary Speaker Matthews in the chair.

Upon the roll being called, there were found to be 52 members present and one absent.

At the invitation of the temporary Speaker, Mr. Snyder offered prayer.

Upon a motion made by Mr. Graves, that the House do adjourn until 10 A. M. on the 4th day of January, the roll being called by order of the Speaker, the motion was lost by the following vote:

Ayes—Fleming, Rose, Tallant, Burns, Huffman, McKay, Coder, Goodell, Winter, Bray of Lewis and Clarke, Burrell, Carpenter, Lockey, Jeffers, Metzel, Benson, Van Cleve, Annear, Swett, Monteath, Graves, Laurence, Babcock, Losee, Lewis—25.

Noes—Beecher, Burke, Bonner, Fitzgerald, Logue, McDonel, Scharnikow, Walkup, Martin, Truman, Lockhart, Wahle, Bach, Dudley, Murphy, Tierney, Butler, Gorman, Loring, Smalley, Ward, Ash, Bray of Silver Bow, Wilson, Kilgallon, Fitschen, Sappington—27.

Not voting—The Speaker *pro tem*.

Upon a motion being made to adjourn to the hour of 9 P. M., the roll being called, the motion was lost by the following vote:

Ayes—Fleming, Rose, Tallant, Burns, Huffman, McKay, Coder, Goodell, Winter, Bray of Lewis and Clarke, Burrell, Carpenter, Lockey, Jeffers, Metzel, Benson, Van Cleve, Annear, Swett, Monteath, Laurence, Babcock, Losee, Lewis—24.

Noes—Beecher, Burke, Bonner, Fitzgerald, Logue, McDonel, Scharnikow, Walkup, Martin, Truman, Lockhart, Wahle, Bach, Dudley, Murphy, Tierney, Butler, Gorman, Loring, Smalley, Ward, Ash, Bray of Silver Bow, Wilson, Graves, Kilgallon, Fitschen, Sappington—28.

Not voting—The Speaker *pro tem*.

Motion made and seconded that the House proceed to a permanent organization. Motion carried.

Election of Speaker:

Mr. Kilgallon moved to proceed to the selection of a Speaker. Motion carried.

Mr. Bray of Silver Bow County nominated Mr. Thomas Matthews. Nomination seconded by Mr. Bach.

Mr. Graves nominated Mr. Richard Lockey. Nomination seconded by Mr. Monteath.

Motion made by Mr. Bach that nominations be closed. Carried.

Motion made that the Chair appoint two tellers. Carried.

The Chair appointed as such tellers Messrs. Laurence and Kilgallon.

Motion made that as the roll was called the members come forward and deposit their ballots. Carried.

Upon the ballots being counted there were found 29 cast for Mr. Matthews and 24 for Mr. Lockey.

Mr. Matthews was declared elected Speaker.

Election of Chief Clerk:

Motion made by Mr. Bach that the House proceed to the election of a Chief Clerk. Seconded and carried.

Mr. Bonner nominated Mr. H. J. Meili of Cascade County. Nomination seconded by Mr. Beecher.

Mr. Graves nominated Mr. J. R. Eardley of Deer Lodge County. Nomination seconded by Mr. Monteath.

Motion made by Mr. Bach that nominations be closed. Carried.

The Chair appointed Messrs. Laurence and Kilgallon tellers.



Upon the roll being called the members deposited their ballots, and upon the ballots being counted there were found 29 cast for Mr. Meili and 24 for Mr. Eardley.

Mr. Meili was declared elected Chief Clerk.

On motion, the House adjourned until the hour of 10 A. M. on the 4th day of January, 1893.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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### THIRD DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 4, 1893.

The House was called to order at 10 o'clock A. M.,

The Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journals of the first and second days' sessions read.

On motion, the minutes of the first day's session were so amended as to read as follows: "The Auditor proceeded to read the names of the members-elect, to whom the oath of office was administered by the Hon. W. H. Hunt, Judge of the First Judicial District of said State, the members having presented their Certificates of Election before being sworn."

On motion, the minutes of the first day's session were so amended as to read: "Mr. A. B. Hamilton of Choteau County presented what purported to be his Certificate of Election and oath of office, and asked that his name be placed upon the roll of members, which the Auditor refused."

The journals of the first and second days, as read and amended, were approved.

On motion of Bach, the House proceeded to complete the permanent organization.

Election of Assistant Chief Clerk:

On motion of Bonner, the House proceeded to the election of Assistant Chief Clerk.

Murphy nominated Mr. C. Z. Pond of Jefferson County.

Graves nominated Mr. James P. Wells of Lewis and Clarke County.

On motion of Walkup, nominations were closed.

The Speaker appointed Messrs. Kilgallon and Laurence as tellers.

The ballot resulted as follows: Pond, 29; Wells, 24.

Mr. C. Z. Pond was declared elected Assistant Chief Clerk.

Election of Sergeant-at-Arms:

On motion of Bonner, the House proceeded to the election of Sergeant-at-Arms.

A. F. Bray nominated Mr. F. C. Ives of Missoula County.

Graves nominated Captain J. D. Taylor of Cascade County.

The ballot resulted as follows: Ives, 30; Taylor, 23.

Mr. F. C. Ives was declared elected Sergeant-at-Arms.

Election of Assistant Sergeant-at-Arms:

Ward nominated Mr. W. H. Green of Lewis and Clarke County for Assistant Sergeant-at-Arms.

Huffman nominated Mr. George Hawkins of Custer County.

The ballot resulted as follows: Green, 28; Hawkins, 22.

Mr. W. H. Green was declared elected Assistant Sergeant-at-Arms.

Election of Doorkeeper:

A. F. Bray nominated Mr. W. Leyshon of Silver Bow County for Doorkeeper.

Graves nominated Mr. C. E. Sager of Silver Bow County.

The ballot resulted as follows: Leyshon, 28; Sager, 25.

Mr. Leyshon was declared elected Doorkeeper.

Election of Chaplain:

A. F. Bray nominated the Rev. S. E. Snyder for Chaplain.

On motion, the Chief Clerk was instructed to cast the unanimous vote of the House for the Rev. S. E. Snyder for Chaplain.

The vote being cast, the Rev. S. E. Snyder was declared elected Chaplain.

Election of Engrossing Clerk:

Kilgallon nominated Mr. James A. Gilfillan of Silver Bow County for Engrossing Clerk.

Graves nominated Mr. R. H. Weir of Lewis and Clarke County.

The ballot resulted as follows: Gilfillan, 28; Weir, 24.

Mr. James A. Gilfillan was declared elected Engrossing Clerk.

Election of Enrolling Clerk:

McDonel nominated Mr. N. H. Connolly of Deer Lodge County for Enrolling Clerk.

Swett nominated Mr. E. H. Metcalf of Silver Bow County.

The ballot resulted as follow: Connolly, 28; Metcalf, 25.

Mr. N. H. Connolly was declared elected Enrolling Clerk.

Election of Day Watchman:

Truman nominated Mr. W. H. Murray of Gallatin County for Day Watchman.

Graves nominated Mr. W. H. Bushnell of Lewis and Clarke County.

The ballot resulted as follows: Murray, 28; Bushnell, 24.

Mr. W. H. Bushnell was declared elected Day Watchman.

Election of Night Watchman:

A. F. Bray nominated Mr. A. F. Smith of Lewis and Clarke County for Night Watchman.

Graves nominated Mr. J. E. Putnam of Meagher County.

The ballot resulted as follows: Smith, 27; Putnam, 24.

Mr. A. F. Smith was declared elected Night Watchman.

Election of Pages:

Fitzgerald nominated for Page, Joseph Ryan of Silver Bow County.

Graves nominated L. R. Peck and Edward Boos of Lewis and Clarke County.

Scharnikow nominated H. C. Beecher of Cascade County.

On motion of Monteath, the House proceeded to elect four (4) pages instead of two (2).

On motion of Bach, nominations were closed, and the Chief Clerk was instructed to cast the vote of the House for the four pages nominated.

The ballot being cast, Joseph Ryan, L. R. Peck, Edward Boos and H. C. Beecher were declared elected Pages.

On motion of A. F. Bray, the House took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION.

House resumed at 2 o'clock P. M.

The Speaker in the chair.

Election of Janitor:

A. F. Bray nominated B. F. Hooper of Lewis and Clarke County for Janitor.

Graves nominated Charles Courtney of Cascade County.

The ballot resulted as follows: Hooper, 31; Courtney, 21.

B. F. Hooper was declared elected Janitor.

Election of Speaker *pro tem.*:

Beecher nominated Hon. A. F. Bray of Silver Bow County for Speaker *pro tem.*

Tallant nominated Hon. S. W. Graves of Silver Bow County.

The result was as follows: Bray, 28; Graves, 25.

Hon. A. F. Bray was declared elected Speaker *pro tem.*

The officers elect then came forward and took and subscribed to the oath of office before Chief Justice of the Supreme Court of the State of Montana, W. Y. Pemberton.

On motion of Scharnikow, a committee of three was appointed, consisting of Messrs. Bray, Babcock and Bonner, to notify the Governor that the House of Representatives of the Third Legislative Assembly of the State of Montana is duly organized with the following permanent officers:

Hon. Thomas Matthews, Speaker.

Hon. A. F. Bray, Speaker *pro tem.*

Mr. Henry J. Meili, Chief Clerk.

Mr. Charles Z. Pond, Assistant Chief Clerk.

Mr. F. C. Ives, Sergeant-at-Arms.

W. H. Green, Assistant Sergeant-at-Arms.

Rev. S. E. Snyder, Chaplain.

J. A. Gilfillan, Engrossing Clerk.

N. H. Connolly, Enrolling Clerk.

W. Leyshon, Doorkeeper.

W. H. Murray, Day Watchman.

A. F. Smith, Night Watchman.

B. F. Hooper, Janitor.

Joseph Ryan, Page.

H. C. Beecher, Page.

Eddie Boos, Page.

L. R. Peck, Page.

And that the House is ready to proceed to business.



On motion of Scharnikow, a committee of three was appointed, consisting of Messrs. Bach, Beecher and Lewis, to notify the Senate that the House of Representatives of the Third Legislative Assembly of the State of Montana is duly organized with the following permanent officers:

Hon. Thomas Matthews, Speaker.

Hon. A. F. Bray, Speaker *pro tem.*:

Henry J. Meili, Chief Clerk.

Charles Z. Pond, Assistant Chief Clerk.

F. C. Ives, Sergeant-at-Arms.

W. H. Green, Assistant Sergeant-at-Arms.

Rev. S. E. Snyder, Chaplain.

J. A. Gilfillan, Engrossing Clerk.

N. H. Connolly, Enrolling Clerk.

W. Leyshon, Doorkeeper.

W. H. Murray, Day Watchman.

A. F. Smith, Night Watchman.

B. F. Hooper, Janitor.

Joseph Ryan, H. C. Beecher, Eddie Boos and L. R. Peck, Pages  
—and that the House is ready to proceed to business.

Appointment of Committee on Rules:

On motion of Bach, the Speaker appointed a committee of five (5) on rules.

On motion of Graves, the rules of the House of Representatives of the Second Legislative Assembly, as amended, shall govern this body until such time as rules shall have been adopted.

The Speaker appointed and announced as the Committee on Rules the following: Bach, Scharnikow, Fitschen, Tallant and Carpenter.

On motion of Lockey, the House adjourned until Thursday, January 5th, at 10 o'clock A. M. THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FOURTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 5, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Prayer by the Chaplain,

Roll called—Quorum present.

Journal of the third day read and approved.

On motion of Monteath, the Rocky Mountain Telegraph Company was permitted to place a wire in the Assembly Chamber.

Bray, Chairman of Special Committee appointed to wait upon the Governor, made the following report:

*Mr. Speaker:* Your Special Committee appointed to wait upon the Governor and inform him that the House was duly organized and

ready for business, beg leave to report that they waited on the Governor at his office and informed him of the organization of the House; that their report was received by the Governor; that they were informed by him that his message was prepared, and that it would give him pleasure to deliver his message in person at a joint assembly of the Senate and House at such hour and place as may be designated.

BRAY, Chairman.

The report was received and the committee discharged.

Lockey introduced the following resolution:

*Resolved*, That the House of Representatives invite the Senate to meet with the House in its hall in joint session at 11 A. M., this day for the purpose of receiving the Governor's message.

On motion of Bach, the resolution was adopted, and Messrs. Bach, Lewis and Beecher were appointed a committee in compliance therewith.

The following communications were received from the Senate, read and ordered spread upon the Journal of the House:

SENATE CHAMBER,

Helena, Montana, January 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Senate has organized by the election of the following officers:

President *pro tem.*, E. D. Matts.

Secretary, David Marks.

Assistant Secretary, P. J. Gilligan.

Sergeant-at-Arms, Charles F. Reardon.

Assistant Sergeant-at-Arms, John G. Simpson.

Enrolling Clerk, William P. McAllister.

Engrossing Clerk, F. F. Hagan.

Doorkeeper, R. H. Mitchell.

Janitor, J. H. Fulkerson.

Day Watchman, John McIntosh.

Night Watchman, William H. Gray.

Chaplain, J. H. Crooker.

Pages: Alex. Goodman, Maurice Langhorne.

Committee Clerks: Frank Steele, Julia O'Neill, Lelah Bullard, Mary McEvily.

Senators Buford, Cardwell and Cullen were appointed a committee to inform the House that the Senate was duly organized and ready to proceed with the business of the session.

Very respectfully,

DAVID MARKS, Secretary.

SENATE CHAMBER,

Helena, Montana, January 4, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senators Hoffman and Gibson were appointed a committee to act with a like committee of the House to prepare joint rules for the government of the two houses.

Very respectfully,

DAVID MARKS, Secretary.

The following committee from the Senate, Messrs. Buford, Cardwell and Cullen, appeared before the bar of the House, and notified



the House that the Senate was organized and ready to proceed to business.

On motion of Scharnikow, the House took a recess to meet in joint session with the Senate.

#### JOINT ASSEMBLY.

Helena, Montana, January 5, 1893.

Pursuant to a request from His Excellency, J. E. Rickards, Governor of the State of Montana, a joint assembly of the Senate and House of Representatives of the Legislative Assembly of the State of Montana, convened in the Hall of the House of Representatives in the Electric Building, in the City of Helena, State of Montana, for the purpose of receiving the Governor's Message.

Hon. Lieutenant-Governor Botkin in the chair.

The Clerk of the Senate called the roll of the Senate, and the following Senators answered to their names:

Baylies, Brown, Buford, Cardwell, Cullen, Eggleston, Folsom, Gibson, Goddard, Hatch, Hoffman, Matts, McDermott, Power, Steele, Swift,

The Clerk of the House then called the roll of the House, and there were present answering to their names the following members thereof:

Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray of Silver Bow, Bray of Lewis and Clarke, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walk-up, Wilson, Winters, The Speaker.

His Excellency the Governor then delivered the following message to the Joint Assembly:

#### MESSAGE OF THE GOVERNOR.

---

*Gentlemen of the Legislative Assembly of the State of Montana:*

In pursuance of a duty imposed by our State Constitution, I have the honor to submit to your consideration the following suggestions respecting some of the more important questions which affect our young State.

Before proceeding to call your attention to affairs of State, I am sure you will indulge me in a few words personal. I very much appreciate the high honor which has come to me in being called to the exalted position of Chief Executive of this great State; and I want to express my grateful thanks and deepest gratitude to all who in any manner contributed to this result. I am not unmindful that to this honor grave responsibilities are attached, but relying upon the Ruler

of Nations, who controls the destinies of all peoples, I confidently enter upon the discharge of my duties.

Your fellow citizens have conferred a great honor upon you in esteeming you worthy and competent to legislate for them. Every citizen is under obligation to serve his State faithfully, but more especially is this true of those who have been elected by the people to positions of trust and responsibility. Our State is now in its formative period, and the character of your legislation must tell for good or evil upon its future. Allow me to remind you that the manner in which we discharge the duties pertaining to this session of the Legislative Assembly is worthy of our most serious thought. Our constituency have entrusted to you the entire responsibility of the legislative department, and I shall leave it there. If, however, I have occasion to differ with you on any measure, I shall hope to so present my objections as to command your respect. All information in the Executive office is at your command.

I congratulate you, and through you, our people, upon the prosperous condition of our State. I have no words at my command with which to express my confidence in the future of Montana. My imagination also falters in any attempt to picture its future greatness. Nature was indeed in her most generous mood when she formed our mountains and valleys. With our gold, our silver, our copper, our lead, our coal, our fertile soil, our forests, our matchless climate—in a word, with our boundless resources, which no man can enumerate, we shall here build a great self-sustaining commonwealth which will be the pride of our nation.

#### STATE FINANCES.

The report of the State Treasurer for 1892 shows that the financial affairs of the State have been creditably handled. The total revenue proper for the year was \$433,351.21; the warrants drawn against the same were \$379,357.90, leaving a balance of \$53,993.31. This makes a very gratifying showing, and reveals more clearly than any other statement following the exact volume of business transacted during the year, and the net balance to our credit after all bills shall have been paid.

By referring to Exhibit "A" you will notice that the total receipts to the general fund were \$508,106.46, which, added to the balance on hand at the beginning of the year, \$63,356.38, give us a total of \$571,462.84. The total of warrants paid and bonds bought was \$418,576.12, leaving a balance of cash on hand of \$152,886.72.

Exhibit "D" shows how this balance is distributed among the several funds. In addition to this, the balance from the Stock Inspector, Stock Indemnity and Sheep Inspector and Indemnity Funds bring this total on hand to \$162,510.61.

The revenues from every County in the State have materially increased over the previous year, aggregating a net increase of \$176,804.83. (See Exhibit "B.")

For the first time all the several stock funds have a balance to their credit, after paying all the warrants for the year. The Sheep Inspector and Indemnity Fund is credited with a balance on hand of



\$8,195.77. (See Exhibit "C.") It will not be necessary to lay this tax for some years to come unless a serious epidemic should attack that class of stock.

Only about \$21,000 of the School Fund have been invested, while nearly \$40,000 lie idle in the treasury. An act of Congress prevents the proceeds of the sale of lands granted for educational purposes from being used, the interest thereon only being available. The necessity of investing the balance of the School Fund in desirable securities is apparent. The Board of Land Commissioners say on this subject, p. 25:

"We think that express authority should be given to the State Board to purchase in the open market at the best price [referring to bonds], and that, in addition, authority should be given to loan upon real estate an amount equal to one-third of the value of the same, based upon an appraisal by the State Land Agent and approved by the Board. It appears to us that this, or some other feasible method, must be employed to secure a revenue from the sale of our school lands, otherwise the policy of selling must be abandoned and a system of leasing exclusively inaugurated."

#### STATE LEVY.

It will be necessary for you to re-enact the law passed at the last session of the Legislature, levying a uniform rate of assessment and taxation. There cannot be a doubt but we shall need as large a levy as is allowable under the Constitution.

#### ESTIMATE OF EXPENSES.

Article VII, Section 10, of the Constitution makes it my duty to present to the Legislative Assembly estimates of the amounts of money required to be raised by taxation for all purposes. In pursuance of this duty I respectfully submit the following estimate of expenses of the State government for each of the fiscal years ending November 30, 1893, and November 30, 1894, respectively:

For Executive Department.....	\$41,100
For Legislative Department.....	44,520
For Judiciary Department .....	81,550
For State Officers (appointive).....	20,600
For State Boards and Institutions.....	222,390
For Miscellaneous.....	41,200
Total.....	<hr/> \$451,360

#### REPORTS OF STATE AUDITOR AND STATE BOARD OF EQUALIZATION.

The report of the State Auditor for 1892 and the report of the State Board of Equalization will be submitted to you. They contain information of much value upon questions that directly concern you as lawmakers. The compilations have been made with care and can be studied with profit. They show the State has had a steady growth in nearly every line of business. The stock and agricultural industries have materially advanced. The wool clip for 1892 amounted to 10,180,791 pounds, as compared with 7,784,007 pounds two years ago—a gain of 2,396,784 pounds. The stock interests generally are in a

prosperous condition. Dairying is receiving attention, 1,066,732 pounds of butter and cheese having been produced during the year. The wheat output reached 1,250,784 bushels. There are 9,330 ranches in the State, aggregating 2,640,056 acres, with 1,390 irrigating ditches, reaching a total of 3,245½ miles. Fruit growing is enlisting the efforts of farmers to no small degree, 13,212½ bushels of apples being placed to their credit for the year, besides a very creditable showing as to other fruits. Thousands of trees have been planted and will in due time develop an important and profitable industry in the State. Notwithstanding the depression due to the low price of silver, the mining industry is in an excellent condition. I regret that there is no reliable data at hand which will enable me to correctly give the mineral output of the State, but I am satisfied from such information as I have been able to obtain that it is larger than in any preceding year. The Auditor's report places the total valuation of property at \$129,456,942. Your attention is called to Exhibit "E."

#### ATTORNEY GENERAL'S REPORT.

The report of the Attorney General, covering the business of his office from November 9, 1889, up to December 1, 1892, will be placed before you. He asks that provision be made for increased help in his office; see pages 33, 34. He also asks that a larger appropriation be made to his department; see page 34. On page 35 he calls attention to the neglect of certain County Commissioners to levy a "stock inspector and detective tax." His suggestions respecting this matter should receive your consideration. I also call your attention to certain changes in the registration law which he recommends.

#### THE REPORT OF THE ADJUTANT-GENERAL.

The Adjutant-General's report will be submitted with the other State Officers' reports. I heartily endorse all of his recommendations. I think a careful reading of this report will enlist your interest in our State Militia.

#### BOILER INSPECTOR.

The Boiler Inspector's report has been published and will be sent to you. You will notice in his report published January 1, 1892, that he calls attention to some amendments to the law governing his office, which he thinks should be made so as to give him the same authority over steam machinery that he now has over steam boilers. He promised to make such recommendations later, but he does not refer to the matter in his last report. I believe the primary motive which prompted the enactment of the present law was to protect the lives and limbs of those engaged in hazardous employment of working around steam boilers and steam machinery; hence I call attention to his suggestion.

#### STATE BOARD OF MEDICAL EXAMINERS.

During the year 1892 the Board of Medical Examiners passed upon fifty applicants to practice medicine in this State. Of these, permanent certificates were issued to thirty-six, thirteen failed to pass the prescribed examination, and the case of one is still pending. The work of the Board shows that it is in every respect a protection to



the interests of reputable physicians, and that the public is correspondingly benefited. To prevent incompetent physicians from endangering the lives of the people, and to prevent extortion for medical services rendered, are efforts which should enlist the interest of all good citizens, and the serious consideration of lawmakers.

I am not sufficiently informed as to the current expenses of the Board of Examiners to recommend the appropriation of any specific sum for its maintenance; but it becomes your duty to make an allowance large enough to carry on the work satisfactorily.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION.

The report of the Superintendent of Public Instruction will be before you. It is instructive as showing the abiding interest of the people in our public school system. I wish especially to call your attention to what he says under the head of "Morals and Decency." Under the same head he said in his report of 1891: "Nearly all States in the Union have enactments upon their statute books relating to this subject." That I may emphasize the importance of this matter, I quote from the same report an extract which he copied from report of the Superintendent of Public Instruction of South Dakota: "Cases have been known in the State where no privy had been provided, and very frequently only one for both sexes. It is common that the out-buildings are placed in proximity, with no effective barrier between them. Shall we wonder that impurity is increasing in society when people are absolutely lethargic regarding the relations of the sexes in the common schools? If we properly prize the virtue of our girls and the manliness and purity of our boys, these things will receive our attention. It is prudishness that smacks strongly of ignorance and incapacity that will prevent a teacher giving due attention to the condition of the schools and school grounds, relative to the relation of the sexes. Pure men and women will only come from pure homes and pure schools."

I earnestly recommend that you enact a law making it the duty of School Trustees to provide good accommodations along the line here suggested.

#### REPORTS OF STATE OFFICERS.

All State Officers are required by the Constitution to make full and complete reports of their official transactions to the Governor at least twenty day preceding each regular session of the Legislative Assembly. The Governor is required to transmit these reports to the Legislature, together with "estimates of the amount of money required to be raised by taxation for all purposes of State," and to recommend such measures as may be deemed expedient.

The practical value of these reports to the officer to whom they are made is oftentimes lessened, if not wholly destroyed, by delay in printing, or for other causes, which prevent the use of the data which they contain in recommending legislation.

Provision should be made for publishing these reports at an earlier date, so that all the information they contain may be made available for the purpose intended. I have had no opportunity to examine a



number of important reports for the reasons named, and have, therefore, refrained from making certain recommendations to which your attention would otherwise have been called.

UNITED STATES SENATOR.

Among your more important duties will be the election of one of your fellow-citizens to represent Montana in the United States Senate. I indulge the hope that in your wisdom you may elect one who will reflect credit alike upon you and the State.

PERMANENT STATE CAPITAL.

At the next general election, to be held in November, 1894, the location of a permanent State Capital will be submitted to the people, as provided for in an act passed by the last Legislative Assembly, and approved March 6, 1891. The result of the recent election leaves the choice between Helena and Anaconda. It is important that you make provision for all possible contingencies. Should the choice fall upon Anaconda, the result would not be officially known until within about two weeks of the assembling of the Legislature. In that event the time will be so short as to greatly inconvenience all State officers unless you enact a law clothing some one with authority to make necessary arrangements, as there is now no law that I am familiar with giving any one such authority. This is very important, as under the Constitution the Legislature cannot meet at any place except at the "seat of government."

STATE AND EDUCATIONAL INSTITUTIONS.

In my opinion, one of the most important duties will be that of locating State and Educational Institutions. Shall the latter be grouped or located separately? is a question now agitating our people. I believe you will give the subject your careful thought, and act from a desire to best serve the future interests of the State. However, I feel I would be derelict in my duty if I did not urge upon you the necessity of taking such action as will determine where the various State Institutions are to be located. It is my judgment that all interests demand an early settlement of this matter. We are looking for and inviting outside capital to our State. The fact that none of our State Institutions have yet been located impresses capitalists unfavorably.

The lands donated to Montana by the United States are now being selected from the public domain and will soon be available for the purposes named. Aside from the University lands already selected, 622,000 acres are donated for the following uses:

For a School of Mines.....	100,000 acres
For State Normal Schools.....	100,000 "
For Agricultural Colleges.....	140,000 "
For Deaf and Dumb Asylums.....	50,000 "
For State Reform Schools.....	50,000 "
For Public Buildings.....	182,000 "

An Agricultural College must be established in accordance with an act of Congress approved July 2, 1863, in order to avail ourselves of the appropriation made in the act of August 30, 1890. Under the provision of this act the sum of \$15,000 per annum for ten years is

appropriated to each State and Territory, and the sum of \$25,000 per annum is thereafter to be applied to instruction in agriculture, the various branches in mathematics, physics, natural and economic science, the English language and mechanic arts. It requires no argument to show the losses which the State is sustaining through our neglect to locate this institution.

#### ORPHANS' HOME.

In my judgment provision should be made for a State Orphans' Home. The condition of these unfortunate children appeals to the generous side of every man's nature, and the fostering care of the State is demanded. The strongest evidence of our Nation's high civilization is the interest our people manifest in caring for the afflicted. Every manly man freely responds to the appeal of his State for the support of eleemosynary institutions.

I am informed that the promoters of an orphanage in the County of Silver Bow offer to donate their property, comprising 160 acres of land with all the improvements, for a State Asylum, provided it is deemed best to establish such an institution. I recommend the consideration of proffers of this character, which may come from different Counties in the State, while the question of creating an institution of this kind is pending.

#### NEW COUNTIES.

The creation of new Counties is incidental to the growth of the State. The area of many of our Counties is so great that the cost of maintaining local government is a burden upon the taxpayers. Judicial proceedings involve an enormous outlay of money when jurors and witnesses are compelled to travel from one hundred to four hundred miles to reach the County Seat. To invoke justice under such conditions is to invite bankruptcy to the litigants, in civil cases, or add to the burden of taxation in criminal cases. The trend of public sentiment is toward the subdivision of our larger Counties, whenever it appears that the valuation and population of the proposed new County will justify the step.

But every proposition of this character should be approached with extreme care. The interests of rival towns and the ambitions of would-be office-holders should not deflect the attention of legislators from the rugged merits of the case. While the area of Montana warrants the prediction that the growth of population will soon double the number of Counties in the State, conservative action by the Legislature in this regard will, at all times, conserve the best interests of the commonwealth.

#### REFORM SCHOOL.

All experience teaches the necessity of maintaining State Reform Schools. The Federal Government recognized this in donating to our State 50,000 acres of land as an endowment fund for such an institution. It is a cause for profound regret that very often our courts are called upon to sentence those who are under the age of majority. That such offenders should be punished in like manner as those who are older, and practically placed under the daily tuition of those who



are graduates in crime by being incarcerated with them, does violence to every one's sense of justice. From the standpoint of decency, humanity, due regard for the morals of society, from an economic standpoint, indeed, from every consideration, we are impelled to make such provision for the youthful criminal as will, while restraining him of his liberty, set to work influences which may result in his reformation. The twofold purpose of our penal laws is the punishment of crime and the reformation of the criminal. Now, every one who has given the subject any thought and investigation, knows that the reformation of the youthful offender is made impossible when he is compelled to associate day and night with those who are hardened in every form of vice.

One of our learned and honorable judges, writing to me on this subject, says: "Judges and jurors are often times loth to send young persons to the penitentiary for crimes committed, knowing as they do, that the result is to blight their lives, and sometimes young criminals are acquitted of crimes and turned loose upon a community, and the law evaded. Then, too, the culprit, emboldened by his seeming good luck in escaping the clutches of the law, becomes more daring and rushes into still greater crimes. But the more serious aspect of the case is in the fact that too many heedless young persons of both sexes, deprived of the moral training and better influences so necessary in early life, are apt to be led astray, and if convicted of a crime and thrown among the criminal classes, become more indifferent to the obligations of society, less jealous of their own good name and more easily influenced for the bad."

To reclaim these young unfortunates is a noble work and appeals to the best effort of heart and mind of the statesman who wants most to serve humanity and the State. I hope you can see your way clear to take some action looking to the separation of the youths and less hardened criminals from old offenders. If you conclude to establish a Reform School, it is my opinion that it should be located in an agricultural community, where it could be made partly self-sustaining.

Another of our most honored judges says on this point: "It should be a strictly educational and industrial school." Quoting him again, he says: "The District Courts should have exclusive original jurisdiction and the only right to commit to this school."

#### STATE EXAMINERS.

My honorable predecessor called the attention of the last Legislative Assembly to the importance of providing for a State Examiner, but no action was taken. Our Constitution says: "The Legislative Assembly shall provide for a State Examiner." (See Article VII, section 8.) This matter, in my judgment, is of great importance, and I earnestly ask, in the interest of good government and thorough business principles, that you create this office and define the duties pertaining thereto. The State Examiner should be clothed with power and authority to examine the books at least once a year, and oftener if necessary, of such State and County officers as in your judgment the interest of the State may require. He should have authority to introduce a uniform system of bookkeeping, and power to compel all State

officers and State institutions to conform their bookkeeping to this general system. These duties are such as to demand a high order of ability, and I hope you will fix the salary at such a figure as to command the services of a capable man. It is a common fault of Legislatures in the creation of public offices to allow such small salaries as to make it practically impossible to secure efficient men. The temptation is strong to attempt to make a reputation for economy. While economy should be practiced in every department of the State, yet when it is done at the expense of the service it smacks of demagogism.

#### GREAT SEAL.

I call your attention to the need of a State Seal. It is unbecoming the dignity of our State to longer use the old Territorial Seal.

#### STATE BOUNDARIES.

There should be no further delay in officially determining the boundaries of the State of Montana. Our northern boundary has been surveyed and its position exactly fixed by the monuments established by the American-British Boundary Line Commission; our eastern boundary and the Montana-Wyoming line have been located under the authority of the General Land Office. But there still remains to be established the western and southwestern boundary of Montana, separating us from Idaho.

In the northwestern portion of the State, on the Kootenai river, and in the country adjacent thereto, there is a present and prospective activity in mining which gives promise of a large population in the near future. Vexatious questions have already arisen as to whether claims to be officially surveyed belong to Idaho or Montana, and as to which State should order the surveys made. The permanent growth of that section is largely dependent upon the official establishment of the boundary line, and the interests of Montana demand an early settlement of the question.

I therefore recommend that the Legislature take steps to secure the co-operation of Idaho in locating our common boundary line.

#### PUBLIC LANDS.

Seventy-two sections of public land were donated to the Territory of Montana for University purposes by the United States in 1881, of which 45,226 acres were selected during the two years following. Another grant of 622,000 acres was made by the Federal Government in the act providing for the admission of Montana into the Union, making a grand total of 668,080 acres of public lands donated to us for the purposes set forth in the act.

A law passed by the State Legislature and approved March 6, 1891, provided for the selection and conveyance of school and indemnity lands, as well as those donated by the United States for various public buildings and institutions. The Governor was authorized to appoint, by and with the consent of the State Board of Land Commissioners, a State Land Agent, who should be empowered to select these lands under the rules prescribed by the Secretary of the Interior.

The report of the State Board of Land Commissioners for 1892 shows a total selection of 128,823.51 acres, leaving less than 500,000 acres yet to be selected. It is believed that the timber lands in the



Flathead Valley will furnish 150,000 acres, while the balance will "have to be taken from vacant lands wherever they may be found." A selection of nearly 19,000 acres, filed in the Land Office at Missoula, was rejected by the United States Land Officers. Concerning this the State Board says:

"While there is some foundation for the claims of the Land Officers, we are not satisfied that they are right in rejecting the selections, and in order that the interests of the State should be protected to the fullest extent we have appealed to the Commissioner of the General Land Office. Should the decision be affirmed, we anticipate no difficulty in securing such legislation from Congress as will confirm the right of the State to the said lands."

Although the rush of settlers to the more favored portions of the State greatly interfered with the selection of valuable public lands under the grant, it is believed that the full number of acres to which the State is entitled can be secured in the near future. With the State will rest the problem of the profitable control of these lands,

Several important changes in existing laws will be necessary to secure the best results. During the past year the cost of appraisals in four (4) counties reached the sum of \$5,892.21. It has been found necessary for the Board of Land Commissioners to increase the per diem allowed appraisers under the law, in order to have the work done. As the State Land Agent makes all selections from personal inspection, he should be authorized to make appraisements without additional expense to the State,

Laws governing the leasing of State lands require revision. The rights of the lessee on lands other than grazing lands should be clearly defined. Penalties should be prescribed for those who remain in possession of State lands after having been notified that such lands have been appraised and are subject to lease.

Legislation is also required to give effect to the constitutional provision authorizing the sale of timber on State lands.

The magnitude of the landed interests of the State impels me to urge upon you the necessity of taking such steps as will strengthen and aid the State Board of Land Commissioners in their efforts to protect our heritage from the greed of trespassers. These splendid donations to the educational interests of the State are menaced by selfish and designing men, and it becomes our sacred duty to protect the rights of the State by every means within our power. No question presses more seriously upon your attention than the careful guarding of the public good by the protection of our public lands. In this connection, I call your attention to the able report of the Board of Land Commissioners, which will be placed on your desks. It will repay a careful reading. I regard their recommendation on page 36, under the heading of "Register of State Land Office," as especially worthy of your thoughtful consideration.

#### MINERAL LANDS.

In 1864 Congress passed an act granting aid, in land, to construct the Northern Pacific Railway from Duluth, Minnesota, to tide-water



on the coast of the Pacific Ocean. This endowment gave to the railway company, in Montana, every alternate section of land, not mineral, in an area 80 miles wide and 700 miles long; and a further area 25 miles in width and 700 miles in length, as indemnity for land found to be mineral, or lands to which it was ascertained that private rights or previous reservation had attached,

The construction of the road through Montana was completed September 8, 1883. To-day we find a railway traversing the length of our State, seeking a judicial perversion of the plain meaning of the act of Congress, and by technical construction making every effort to wrongfully obtain patent to about 3,000,000 acres of the mineral lands of the State.

Failing in the effort to secure from the Land Department of the United States patent to the mineral lands exempted by act of Congress from its grant, the railway company resorted to the courts, seeking to obtain favorable legal construction.

At the same time the people of Montana applied to Congress for the classification of their lands, and a determination by authority of law of what constitutes the reserved mineral lands.

There is now before Congress a measure, generally known as the Mineral Land Classification Bill, which has for its object the separation of the mineral lands excluded from the grant, and giving to the Northern Pacific Railway only those lands contemplated in the act of Congress.

A case is pending in the Supreme Court, entitled *R. P. Barden et al. vs. The Northern Pacific Railway Company*, in which that corporation is seeking to anticipate legislation favorable to the people of Montana by establishing the judicial point that the company is entitled to all the odd numbered sections of land within its grant not known to be mineral at the time of its definite location in 1872. If successful in its effort, a majority of all our developed mines may fall into the hands of the Northern Pacific Railway Company, as well as those yet undiscovered.

Under existing conditions it becomes the duty of this Legislature to take such prompt and effective steps as will best protect the people of this State from a threatened calamity. The legislation of the past, relative to the preservation of our mineral lands, has been more fruitful of earnest efforts than of practical results.

The annual report of the Mineral Land Commissioner will be placed before you. It is an exhaustive presentation of the case of the people against the Northern Pacific Railway Company, in the efforts of the people of Montana and other mineral producing states to resist the unjust claims of the company, that all lands not known to be mineral at the time of the land grant belong to that corporation. The record of the efforts of the commissioner to secure favorable legislation to our people by Congress is of great interest, and is well worthy your careful perusal,

#### IMMIGRATION.

The marvelous possibilities of Montana will be fully realized only through the inspiration of numbers, which we can easily secure through wise legislation encouraging immigration.

The multiplication of farms will bring to our State every advantage to be derived from numbers, with none of the dangers of an overcrowded population, reaching beyond the limits of self-support. No State less favored than Montana could sustain the drain now imposed upon our financial resources in sending abroad for farm products which should be marketed from the idle acreage of our valleys and plains. Vast sums of money which should circulate in the channels of our local business life go elsewhere for products which could be grown more cheaply at our very doors.

Upon the reclamation of our arid lands must largely depend a substantial increase of population. With nearly one million acres of land brought into productiveness, an hundred thousand immigrants would add their energies to the industrial life of Montana, enhancing the value of real and personal property, enlarging the volume of business and increasing the revenues of the State. To encourage immigration for the development of our agricultural resources the first important step to be taken is to make the creation of new communities possible by the irrigation of our arid lands.

#### IRRIGATION.

Nature has supplemented Montana's mineral wealth with vast areas of fertile soil, which need only the beneficial influences of our mountain streams to enable this State to add to its population many thousands of industrious citizens.

Limited experiments in various portions of the State justify every encouragement that can be given laudable irrigation projects within the limits of the Constitution. The potential possibilities of our arid lands have been demonstrated and yields of cereals have been secured unexcelled in quality and quantity; It remains only for these lands to be properly prepared for the plow, to assure to the State a vast agricultural population.

It is evident that the magnitude of this undertaking makes impossible the irrigation of any considerable acreage through private capital. The work must be carried on in large systems, with reservoirs, catchment basins and canals, the construction of which involves the investment of vast sums of money. Private corporations can be relied upon only for the performance of such work as gives promise of prompt returns. For the comprehensive and conservative use of the waters of our streams in reclaiming our arid lands some government agency must be enlisted. The State Irrigation Congress, which convened at Helena, January 7, 1892, adopted the following resolution:

*Resolved*, That in the judgment of this Convention it is the duty of the General Government to aid in the development of the arid lands in the several States and Territories where such lands exist; and while we do not deem it desirable that the control and title to such lands should pass from the General Government to the several States containing them, we do nevertheless urge that at least the proceeds arising from the sale of such lands shall be applied to the supplying of water for their development for the purpose of agriculture, and we urge our Senators and Representatives in Congress to use every effort to accomplish such legislation as will bring about this desirable result,



not only for our State, but for all other States and Territories similarly situated.

I heartily concur in the aims and purposes of this resolution, and recommend that this body memorialize Congress to take such action as may be deemed necessary to bring about the desired result.

While legislation should deal liberally with a question of such supreme importance to the future of the State, too many safeguards cannot be thrown around the rights of the citizens, or too ample protection be given the settler who is dependent upon irrigation systems. Corporations, encouraged by legislation to push forward irrigation schemes, should not be permitted to absorb the public domain on the one hand, or the income of the settler on the other. The charges made by companies owning ditches and canals should be regulated by law.

#### FOREST AND PRAIRIE FIRES.

Every one who travels much over the State must be impressed with the great loss we annually suffer from forest and prairie fires. Ex-Governor Toole said, in his last message, on this subject: "I am of the opinion that nothing could be done more conducive to this end than the passage of a law by which railroad companies operating in the State should be compelled to burn their right of way annually, and thus prevent a spread of fire originating not infrequently from sparks from their engines and the cleaning of fire boxes."

I most heartily endorse that suggestion. It would entail but little labor upon the railroad companies, and certainly would in the end redound to their profit.

Efforts should be made, through vigorous legislation, to protect our forests from denudation by timber thieves. Federal supervision seems inadequate to wholly check these onslaughts upon our forests, and should be supplemented by active measures on the part of the State.

#### VIOLATION OF GAME AND FISH LAWS.

Complaint has been made to me of the gross violation of our game and fish laws. The large quantity of trout which is often found in the markets of our larger towns and cities is convincing evidence of the truthfulness of the complaints. Then, too, countless thousands of young fish are annually destroyed through the carelessness of those having in charge the many irrigation ditches which tap our mountain streams, by not protecting the head of their ditches with wire screens.

The use of giant powder and other explosives in our streams is forbidden, but the law is frequently disobeyed. The perpetrators should be detected and severely punished.

The wanton slaughter of deer and elk for their skins and antlers should be strictly prohibited. I think the season for lawfully killing this game should be made shorter. In this connection I deem it pertinent to say that the Indians who roam over the State are not granted any more privileges under the law than are the taxpayers, but as a matter of fact they violate the law with impunity. Can we not provide for the apprehension and punishment of all offenders?

Some States have found it necessary to appoint officers whose duty



it is to enforce similar laws. I can not see my way clear to recommend such action on your part, owing to the very many demands upon our treasury, but I express the hope that you may be able to so amend our present law as to make it more effective. If something is not done along this line our mountain game will soon become extinct, and we shall also have to incur the expense of restocking our streams. So young a State as Colorado has already been obliged to spend large sums for that purpose; the same processes at work here have resulted in cleaning out their streams.

#### THE SUPREME COURT.

Article VIII, section 5, of the Constitution confers upon the Legislature power to increase the number of Justices of the Supreme Court to five. The conditions of statehood imposes upon our Courts additional burdens, and the volume of litigation will necessarily increase with the population and development of the State. With our industrial and commercial growth, and with activity in utilizing the resources of this favored region, many new questions for the arbitrament of the Court of Last Resort will arise, requiring prompt as well as careful consideration. In the opinion of many eminent in the profession of law and familiar with the duties and obligations resting upon the Supreme Court, the increase referred to is deemed essential to the welfare of the State. To protect litigants from vexatious and costly delays will best serve the ends of justice and promote the welfare of the people.

#### LABOR.

Montana is indebted for its prosperity not only to the lavishness of Nature, the hardy pioneers who discovered her treasures, and the generous investment of capital, but also to the faithful efforts of those who toil. Nature, though generous, is reluctant to give up her stores of wealth, and her riches are only to be secured by incessant labor. In the future, as in the past, Montana must depend upon its great industrial army for its peerless position as a wealth producer. Laws which enlarge the opportunities of labor and increase the facilities of the workingman for self-culture and beneficial recreation will reflect the enlightened sentiment of the State. Upon the prosperity of labor rests the prosperity of the commonwealth.

#### COMMISSIONER OF LABOR.

Our Constitution says you may "provide for a Bureau of Agriculture, Labor and Industry, to be located at the Capital, and be under the control of a Commissioner." I recommend the creation of this office, to the end that such authentic information as will be valuable in advertising the resources of the State may be collected. All of us, I am sure, have unbounded faith in the possibilities of our great State. We who are residents know of the wonderful fertility of the soil; of the profits from our herds of cattle, sheep and horses; we know our mineral wealth to be far beyond that of any State in the Union. We never weary of singing Montana's praises, for after we have exhausted our stock of adjectives we can truthfully say "the half hath not been told." I hope we may soon be able to provide for a systematic method of advertising the resources of Montana; and when we

do, we shall need to be fortified with an array of statistics which have been collected in a thorough and methodical manner, bearing the stamp of official authority. The information collated by such an officer would also prove invaluable to the intelligent legislator.

#### PINKERTON FORCES.

Article III, Section 31, of our Constitution is as follows: "No armed person or persons or armed body of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the Legislative Assembly, or of the Governor when the Legislative Assembly can not be convened."

The political party which honored me with the nomination for the office to which the people have since elected me, in convention assembled, pledged itself to use its best efforts, through proper legislation, to enforce the above mentioned provision. I feel in honor bound, and the more so because in entire harmony with my sentiments, to call your attention to the fact that this provision is not self-executing and needs legislation to give it force. I hope you will give the subject your early attention.

#### THE PENITENTIARY.

I have no data at hand showing the comparative cost of maintaining the penitentiary under the contract system of caring for criminals with that under direct State control. From a business standpoint I argue that no one would enter into contract with the State to care for its criminals unless there was a large profit to be made. I believe there is such profit, and that we can save it to the State under good business management. Economy, however, in caring for criminals is not the only demand made by society. Humanitarian principles should at all times enter into the calculations of the commonwealth in considering the management of State prisons. For we must not forget that it is our duty to try to awaken moral ambitions and higher purposes in these men, and such an awakening is more likely to be brought about when the management is in the hands of the State. I set it down as a principle that the State should have direct control of all State institutions when supported from the public treasury; and that this practice should never be deviated from, except in the event of some such unfortunate exigency as that which made our present course a necessity.

I therefore recommend that the penitentiary be placed under the direct management of a Warden, and that an appropriation adequate to meet the requirements of that institution be made. Whatever your conclusions as to the best method of management, there is one question where there is no room for a difference of opinion, namely: the absolute necessity for enlarged quarters, as the present overcrowded condition of the penitentiary is contrary to every principle laid down for the government of prisons.

#### THE INSANE.

I have been unable to obtain information relative to the insane such as would warrant me in making any recommendations concerning



them at this time. Later in the session I will communicate to you any suggestions I may deem it necessary to make.

#### PURITY OF THE BALLOT.

I want to say, with all the emphasis at my command, that questions affecting the purity of the ballot and the integrity of our elections demand our best thought and most conscientious work. The perpetuity of our Government depends upon the purity of its source—the people. Nothing to-day so much tends to corrupt the public conscience as bribery—bribery in almost every conceivable form. Thoughtful and loyal men must view with alarm the prevalence of venal voting. Every man who loves his country demands an honest ballot and an honest count, yielding gracefully to the public will, honestly expressed at the polls. All good citizens look with contempt upon the bribe-taker, but are apt to condone the offense of the bribe-giver. This is wrong. There is but one safe place, the penitentiary, for the bribe-giver; and he who through intimidation interferes with a free and secret ballot is almost as great a criminal.

It is at all times the duty of legislative bodies to vigorously protect the electoral rights of the citizen. I can conceive of no more effective method to accomplish this end than to make vote buying, fraudulent voting and the misconduct of election officers experiments too dangerous to invite the misdirected energies of dishonest men.

I recommend to your earnest consideration the adoption of rigorous measures for the detection and severe punishment of frauds upon the ballot, regardless of the disguises in which they may appear. Bribery will no longer be practiced when it ceases to be profitable, and this result will be attained when the man who would control elections by speculating upon the moral delinquencies of others realizes that in taking such desperate chances he risks his personal liberty and invites public disgrace.

With bribery practically stamped out, with the duties of election officers more specifically defined and the prescribing of more severe penalties for their neglect, with such changes in the election laws as will actually, as well as theoretically, guarantee to the voter absolute secrecy in casting his ballot, we may rest assured of having honest elections, expressive of the public will, and the day will have dawned when vexatious controversies will cease to tarnish the fair fame of the State.

#### REGISTRATION.

Experience has demonstrated the benefits of the registration law, although it can with profit to the State be amended so as to remedy several apparent defects. In compelling a large per cent. of our citizens to travel long distances to register, at no inconsiderable outlay of time and money, the law works an evident injustice. It should be made less of a burden to the ranchman, the stockman and the prospector, while affording the protection of a complete and thorough registration. While a registration law promotive of the purity of elections should be maintained, such a law should in no case operate as a special burden upon those residing in isolated sections of the State.



A few of the more important points which should be considered are as follows:

*First*, Registry agents should be required to sit within each and every voting precinct within their districts, at some convenient point, giving ample notice of such sitting. This will remove the just cause of complaint now made by those compelled to travel long distances to register.

*Second*, Registration should continue to within a few days of election, allowing only the necessary time to print, revise and post the lists.

*Third*, The powers of the County Commissioners in establishing registration districts and voting precincts should be more rigidly defined. No one can complain if these officers are removed as far as possible from the suspicion of being controlled by partisan or other unworthy motives.

*Fourth*, Some changes must, in all fairness, be made in the clauses regulating the registration of those who become citizens just a few days preceding the election. This clause as it now stands, taken in connection with the clause closing registration October 15, practically disfranchises many newly-made citizens and those who reach their majority after that date.

*Fifth*, The clauses permitting one to vote under certificate should be amended so that when a voter surrenders his certificate to the Judges of Election, the Judges should be compelled to return it with the poll books.

#### THE AUSTRALIAN LAW.

As a means of securing independence to the voter and freedom from corrupting influences at the polls, the Australian law has appealed to popular favor and has met approval in many States. Vote buying and intimidation have been greatly checked through the operation of this system, yet all must admit that human ingenuity can defeat the purposes of any law, however carefully framed. Indorsed as the best device ever suggested to preserve the purity of elections, it becomes our duty to make evasions of the Australian law as difficult as possible. Successful efforts have been made in various States to attain this end by simplifying the system, while maintaining the essential element of secrecy. As the purpose of the law is, first, to enable the voter to cast his vote in privacy, uninfluenced by his employer or others who might seek to control his action; and, second, to prevent the unprincipled voter from giving any evidence or assurance that he had carried out any terms of a bargain made in advance, the necessity for amending our present law becomes apparent.

I would recommend such changes in the ballot as will place the name of party candidates in separate columns, and thus enable the voter, with one mark, to vote his entire party ticket, if he so desires; at the same time leaving him the privilege of marking it in detail, as at present. I would eliminate those features which make possible the collusion of the Judges of Election with interested parties. The use of printed cards and sample ballots in many localities leads to the open violation of the essential principle of the law, by enabling the

Judges to keep a close check on the action of the voter. The remedy for this lies in drawing the cloak of secrecy still closer around the voter. Under no circumstances or conditions (except blindness or other physical disability) should the Judges be permitted to mark a ballot, or become in any way a party to the action of the voter, either with or without his consent. The simplification of the ballot, as suggested, will render it a matter of comparative ease for the most illiterate voter to mark his ballot. Not only should the voter be compelled to mark his own ballot, but it should be made a crime for any Judge or other officer of election to seek to ascertain what the voter's action has been.

#### THE GOVERNOR'S SUCCESSOR.

Article VII, Section 16, of our Constitution reads as follows: "In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the Governor and Lieutenant-Governor, the duties of the Governor shall devolve upon the President *pro tempore* of the Senate, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy filled, and if the President *pro tempore* of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House."

In Article V, Section 6, we find the following sentence: "The term of service of the members thereof [the Legislative Assembly] shall begin the next day after their election, until otherwise provided by law."

As we have not had any legislative enactment on this subject, the constitutional provision still stands. Hence, it is clear that the term of office of the President *pro tempore* of the Senate and the Speaker of the House expires the day after their respective successors are elected. And, when it happens, as it did in the recent election, that both are succeeded, there is evidently a vacancy in both offices. In such an event the query arises, upon whom would the duties of Governor devolve, should both he and the Lieutenant-Governor be absent from the State, or if both of them for any reason be disqualified? I deem this of so much importance as to merit your consideration. It now appears to me that the shortest and most direct way of providing for such an emergency would be to enact that the term of service of the members of the Legislative Assembly shall not expire until the day their successors convene in regular biennial session. In fact, this seems to me the most natural and practical term of service.

#### THE NATIONAL GUARD.

I feel a deep interest in the maintenance and prosperity of our National Guard. I believe in them and shall always be proud to champion their cause. I do not deem it necessary to go into any extended argument to convince you of the great importance of this department; its necessity is conceded by all intelligent statesmen. Our Constitution says the State shall maintain a State Militia, and makes it our duty to provide for its maintenance. The experience of older



States teaches the wisdom and necessity of providing liberally for this branch of service. In its personnel we find the banker, the farmer, the miner, the mechanic and the professional man, thus representing all classes of our citizens, all actuated by an intense patriotism to serve the State. Experience shows that no State can afford to neglect the militia; their services may be required when we least expect it. Let us be wise and extend such aid and encouragement in time of peace as to show our appreciation of their efforts to make themselves efficient, should the necessity arise for active service.

In what I have said I hope no one will think I favor extravagance here more than in any other department, but realizing, as I do, something of the necessity for supporting an efficient State Militia, I say unhesitatingly that our citizen soldiery deserves liberal treatment at your hands.

Our military code provides for an annual encampment, but none has been held since 1889, owing to the failure of the Legislature to make an appropriation for that purpose. The Adjutant General says in his report on this subject: "I believe it to be absolutely essential to the proper and successful conduct of the National Guard of the State, it being extremely difficult, if not actually impossible, to keep the men together and preserve the proper military spirit and discipline without such encampment."

Under an act of Congress providing for the disposition of the abandoned Fort Ellis reservation, the State Board of Land Commissioners filed on six hundred and forty (640) acres for a permanent militia camp ground. This is centrally located and easy of access. I do most earnestly recommend that you make such an appropriation as will insure an annual encampment.

#### SILVER.

The failure of Congress to legislate in the interests of the white metal, as demanded by the silver-producing States, and to place it upon its proper footing, has injuriously affected the mining industry, and consequently all the industries of this State. Restless under the infliction of a wrong, it becomes the duty of every good citizen, regardless of his political affiliations, to seek to right it. To this end I would recommend that we memorialize Congress, praying for the early consideration of a free coinage bill, and further recommend the creation of a joint committee to prepare arguments and compile facts to sustain the position.

#### THE CODE.

I doubt if anything of so much importance will come before you as the consideration of the new Code, for it directly concerns every one of our constituents. I will not assume to be familiar with it, but I am acquainted with each member of the Code Commission, and risk nothing in saying that they are the peers of any in the knowledge of law, and are highly respected wherever known. I prefer to accept the work of such eminently qualified men, than trust to my own judgment in this field of labor. I am not unmindful, however, that some objections are made to portions of the Code, and some of these objections are entitled to consideration. I must point out the danger of



attempting to revise it before adoption, lest in the effort you destroy its harmony. It is my opinion that the safer and better way would be to adopt it as a whole, before any revision is attempted or any amendments are made. If you will carefully read the report of the Commission before taking any action you will be able to act more understandingly upon the Code.

#### WORLD'S COLUMBIAN EXPOSITION.

I am firmly convinced that the World's Columbian Exposition, to be opened in Chicago in a few months, will afford Montana the desired opportunity to make her marvelous resources known to the whole world. Practically at our very door will be gathered together the brightest representatives from every foreign nation, and millions of Americans. Many thousands of these people will be seeking a field for investment, and as many more seeking information to guide them in the selection of future homes in the great West.

It was the purpose of the last Legislature that our State should avail itself of so favorable an opportunity to place before the world convincing proofs of our claim that Montana is the most profitable field for capital and labor to be found in the entire Northwest. Hence an appropriation of \$50,000 was made to meet expenses incident to the preliminary work. In the work already accomplished by the Board of Managers, in providing for a display creditable to the State, nearly all of the original appropriation has been expended. To utilize the investment made and to insure the success of the Montana exhibit, an additional appropriation of a reasonable sum will be required. In placing but \$50,000 at the disposal of the Board of Managers to carry on a work of such magnitude, it was the evident intent of the former Legislature that their successors should supplement that appropriation with such additional sums as might be deemed necessary to the success of an undertaking, the expenses of which could not be correctly estimated in advance.

The exhibits are now mostly in the hands of the Board, and they will with mute eloquence proclaim the unlimited wealth of our mines and the fertility of our soil. The minerals collected from the Counties of Fergus, Meagher, Park, Cascade, Missoula, Silver Bow, Deer Lodge, Lewis and Clarke, Madison, Beaverhead, Jefferson and Chouteau embrace nearly all known varieties. They will call the attention of the world to the vast deposits of our minerals. The agricultural, horticultural and botanical exhibits will enlighten observers as to the productiveness of our soil, and will undoubtedly result in a large immigration to our State.

Colorado, Kansas and other States interested in attracting public attention to their resources, reaped unmeasured benefits from elaborate displays at the Centennial Exposition in 1876. I know that every dollar so spent came back fourfold in the settlement of vacant lands and the rapid growth of towns.

Montana's opportunity has now presented itself to duplicate those successes, and to establish a reputation throughout the world. I therefore recommend the appointment of a joint committee to confer with the Board of Managers, with a view to ascertaining what

amount will be necessary to meet their requirements, and to assure Montana a creditable display. The reports of Hon. Stephen DeWolf, President of the Board, and that of Hon. Walter M. Bickford, Executive Commissioner, are now in the Executive Office, and will be transmitted to you.

## CONCLUSION.

In conclusion, gentlemen, allow me to express the earnest wish that your deliberations during this session may be conducted with wisdom and harmony. I shall indulge the hope that at the close of the session you may return to your constituents with the proud satisfaction of having faithfully and conscientiously discharged every known duty.

## OFFICIAL REPORT OF THE STATE TREASURER FOR THE YEAR 1892.

## EXHIBIT "A."

	1ST QUAR.	2D QUAR	3D QUAR.	4TH QUAR.	
Balance December 1, 1891.....					\$63,356 38
Beaverhead Co.....	\$8,359 83	\$1,095 18	\$718 18	\$732 74	
Cascade Co.....	30,717 60	4,192 76	2,212 85	2,282 95	
Custer Co.....	13,886 32	964 60	678 42	741 86	
Choteau Co.....	11,938 72	1,329 86	752 16	634 41	
Dawson Co.....	7,805 40	410 14	270 88	305 56	
Deer Lodge Co.....	25,972 83	6,026 09	5,026 20	4,889 52	
Fergus Co.....	9,995 32	986 66	469 46	631 05	
Gallatin Co.....	12,980 54	3,010 83	840 48	919 04	
Jefferson Co.....	10,549 58	1,543 51	968 99	991 30	
Lewis and Clarke Co.....	72,191 34	7,480 24	4,946 95	4,984 94	
Madison Co.....	7,812 90	753 83	456 01	500 78	
Meagher Co.....	9,594 82	4,569 01	1,260 49	777 12	
Missoula Co.....	21,806 33	5,545 90	3,414 72	4,000 32	
Park Co.....	13,079 41	2,394 61	1,688 97	1,775 35	
Silver Bow Co.....	51,411 81	11,389 80	6,635 37	7,661 02	
Yellowstone Co.....	9,041 65	872 22	652 13	820 81	
Secretary of State.....	1,383 60	1,909 40	1,362 90	2,219 75	
State Auditor.....	2,017 20	5,406 40	343 00	249 00	
Steam Boiler Inspector.....	834 80	950 00	1,400 00	1,200 00	
Clerk Supreme Court.....	605 40	430 20	789 40	640 60	
Escheated Estates.....		110 10		116 13	
School Fund.....	8,848 50	18,311 50	812 50	2,771 00	
University Fund.....		1,040 87	2,553 22	1,627 87	
Normal School Fund.....		424 00		112 00	
Public Building.....		1,752 00		688 00	
Refund Conley & McTague.....		4 25		5 00	
Income, Lease, Interest, etc.....		2,073 75	2,022 00	2,281 32	
Historical Society.....	2 50				
Treasurer U. S.....			7,231 09		
J. B. Catlin, on warrant 3830.....				226 00	
Total Receipts.....	\$330,836 40	\$84,977 71	\$47,506 37	\$44,785 98	\$508,106 46
Total.....					\$571,462 84
By warrants paid.....	168,074 97	71,177 70	86,418 79	71,304 06	\$396,975 52
By bonds bought.....	20,000 00			1,600 60	21,600 60
Cash on hand.....					152,886 72
					\$571,462 84

## EXHIBIT "B."

COMPARATIVE STATEMENT OF INCREASE AND DECREASE IN REVENUE  
FOR THE YEARS 1891 AND 1892.

	1891.	1892	INCREASE.	DECREASE.
Beaverhead Co.....	\$8,032 04	\$11,986 12	\$3,954 08	.....
Cascade Co.....	22,990 31	40,127 47	17,137 16	.....
Custer Co.....	11,611 87	21,603 98	9,992 11	.....
Choteau Co.....	11,028 07	18,108 12	7,080 05	.....
Dawson Co.....	5,546 95	11,673 17	6,126 22	.....
Deer Lodge Co.....	29,936 03	43,083 49	13,147 46	.....
Fergus Co.....	7,730 72	15,199 79	7,469 07	.....
Gallatin Co.....	11,855 80	17,848 24	5,992 44	.....
Jefferson Co.....	9,490 90	14,107 78	4,616 88	.....
Lewis and Clarke Co.....	61,904 17	90,392 77	28,488 60	.....
Madison Co.....	7,300 60	9,841 31	2,450 71	.....
Meagher Co.....	9,765 49	18,404 28	8,638 79	.....
Missoula Co.....	23,913 41	34,911 50	10,998 09	.....
Park Co.....	13,353 71	20,325 70	6 971 99	.....
Silver Bow Co.....	51,743 18	77,723 48	25,980 30	.....
Yellowstone Co.....	6,556 10	11,404 18	4,848 08	.....
All other sources.....	38,452 28	51,365 08	12,912 80	.....
	\$331,301 63	\$508,106 46	\$176,804 83	.....

## EXHIBIT "C."

## SHEEP INSPECTOR AND INDEMNITY FUND.

	1ST QUAR.	2D QUAR.	3D QUAR.	4TH QUAR.	
Balance December 1, 1891.....					\$4,671 70
Received from Beaverhead Co.....					
" Cascade Co.....	\$232 72				
" Custer Co.....	166 24	\$10 08	\$8 06	\$4 77	
" Choteau Co.....	332 63	35 21	1 35		
" Dawson Co.....	309 14	25 58		1 24	
" Deer Lodge Co.....	139 44				
" Fergus Co.....	1,086 97	11 63			
" Gallatin Co.....	6 01	3 85			
" Jefferson Co.....	11 25				
" Lewis & Clarke Co.	141 05	3 66			
" Madison Co.....					
" Meagher Co.....	638 31	315 98			
" Missoula Co.....					
" Park Co.....	367 36	12 17			
" Silver Bow Co.....	11 59				
" Yellowstone Co.....	3 30	7 13			
Total Receipts.....	\$3,446 01	\$425 29	\$9 41	\$6 01	\$3,886 72
					\$8,558 42
Disbursements—					
Warrants paid.....			\$144 65	\$248 00	\$392 65
Balance in fund Dec. 1, 1892.....					\$8,165 77

## EXHIBIT "D."

## BALANCE IN ALL FUNDS.

Escheated Estates.....	\$29,922 26	
Income, Leases, Interest, Etc.....	6,377 07	
University Fund.....	5,221 96	
Normal School Fund.....	536 00	
Public Building Fund.....	2,440 00	
State School Fund.....	31,261 45	
Cash in Unexpended Accounts.....	77,127 98	\$152,886 72
Stock Inspector and Detective Fund.....		865 89
Stock Indemnity Fund.....		592 23
Sheep Inspector and Indemnity Fund.....		8,165 77
		\$162,510 61



EXHIBIT "E."

TOTAL VALUES OF PROPERTY AFTER EQUALIZATION BY THE BOARDS OF COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE FOR FISCAL YEAR ENDING DECEMBER 1, 1892.

COUNTIES.	ON CITY AND TOWN LOTS.	ON MINING CLAIMS.	ON ALL OTHER REAL ESTATE.	IMPROVEMENTS ON CITY AND TOWN LOTS.	IMPROVEMENTS ON MINING CLAIMS.	IMPROVEMENTS ON ALL OTHER REAL ESTATE.	MONEY.	PERSONAL PROPERTY OTHER THAN MONEY.	RAILROADS.	TOTAL VALUATION.
Beaverhead.....	\$184,506	\$9,242	\$582,188	\$223,325	\$83,085	\$239,354	\$272,114	\$1,294,345	\$392,400	\$3,280,559
Cascade.....	4,824,413		3,318,763	1,077,950		766,806	25,414	2,768,083	575,500	13,356,929
Choctaw.....	149,324		341,094	129,010		343,618	85,448	3,503,306	1,528,290	6,083,060
Custer.....	188,976		405,178	264,360		84,830	128,991	5,384,797	409,374	6,926,506
Dawson.....	56,224		124,563	71,125		7,460	14,162	2,105,964	1,013,187	3,392,745
Deer Lodge.....	604,196	32,065	682,926	862,810	530,825	1,482,095	4,958,468	1,920,030	588,148	8,661,563
Fergus.....	89,140		722,890	130,935		442,870	18,665	3,156,680		4,561,180
Gallatin.....	723,260		1,919,470	689,600		421,330	89,640	1,743,395	246,562	5,833,257
Jefferson.....	152,495	36,238	620,517	162,410		585,785	50,189	1,858,892	767,750	4,272,447
Lewis and Clarke.....	10,675,630	18,030	2,001,970	4,331,700	250,080	717,890	105,970	5,126,030	480,491	23,707,791
Madison.....	46,950	16,000	766,035	132,485	54,345	342,370	103,665	1,338,615	155,650	2,986,115
Meagher.....	741,965	31,125	1,130,699	317,680	22,800	421,625	39,025	2,756,100	144,301	5,605,440
Missoula.....	2,859,788		1,263,863	782,880		560,540	47,740	3,523,220	1,638,418	10,696,449
Park.....	899,744		1,001,045	609,210		378,080	42,950	2,015,784	462,060	5,408,873
Silver Bow.....	7,735,905		216,593	3,794,325		1,220,630	2,501,579	4,900,092	373,800	20,862,924
Yellowstone.....	307,936		696,582	285,751		179,767	25,995	1,863,445	461,628	3,821,104
Totals.....	\$30,240,512	\$142,760	\$15,854,376	\$13,865,556	\$979,246	\$8,225,110	\$5,603,015	\$45,258,838	\$9,287,529	\$129,456,942

On motion of Senator Matts, the Joint Assembly was dissolved.

I P. M.

House resumed.

The Speaker in the chair.

On motion of Monteath, the Sergeant-at-Arms was instructed to have the body of the House rearranged.

On motion of Bray of Silver Bow, the Governor's message was received and ordered spread upon the Journal of the House.

On motion of Bray of Silver Bow, the House adjourned until 10 o'clock A. M. to-morrow. THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FIFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 6, 1893.

The House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fourth day read and approved.

Bach, Chairman of the Committee on Rules, made the following report:

### RULES OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA—THIRD LEGISLATIVE SESSION.

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#### MEETING, QUORUM, PRIVILEGES, ETC.

1. Time of Meeting—The hour for the meeting of the House shall be at 10 o'clock A. M., unless the House directs otherwise.

2. Roll Call, Quorum, Etc.—Before proceeding to business, the roll of the members of the House shall be called, and the names of those present and absent shall be entered on the journal. A majority of all the members elected shall be present to constitute a quorum for the transaction of business; a smaller number, however, can adjourn from day to day, and shall have power to compel the attendance of absent members.

3. Members Shall Be Present—No member or officer of the House, unless from illness or other cause he shall be unable to attend, shall absent himself from the sessions of the House during an entire day without first having obtained a leave of absence.

4. Who May Be Admitted to the Floor—Persons of the following classes, and no others, shall be admitted to the floor of the House during the session thereof, viz.: All State and Legislative officers, members of the late Constitutional Convention, ex-members of the Legislative Assembly, members of Congress, Judges of the Courts, all editors of newspapers within the State, reporters for the press, contestants for seats in the House and such other persons as the Speaker may invite.

5. Disturbance in Lobby—Whenever any disturbance or disorderly conduct shall occur in the lobby or gallery, the Speaker (or Chairman of the Committee of the Whole) shall have power to cause the same to be cleared of all persons, except members and officers of the House.

6. General Duties of the Speaker—It shall be the general duty of the Speaker:

To open the session at the time to which the House is adjourned by taking the chair and calling the members to order.

To announce the business before the House in the order in which it is to be acted upon.

To receive and submit, in the proper manner, all motions and propositions presented by the members.

To put to vote all questions which are regularly moved, or which necessarily arise in the course of proceedings, and to announce the result.

To restrain the members, when engaged in debate, within the rules of order.

To enforce on all occasions the observance of order and decorum among the members.

To inform the House, when necessary, or when referred to for that purpose, in a point or order of practice.

To receive messages and other communications from other branches of the government and announce them to the House.

To authenticate by his signature, when necessary, all the acts, orders and privileges of the House.

To name the members — when directed to do so in a particular case, or when it is part of his general duty by these rules — who are to serve on committees, and in general.

To represent and stand for the House, declaring its will and in all things obeying its commands. Every officer of the House is subordinate to the Speaker, and in all that relates to the prompt and correct discharge of official duty is under his supervision.

7. Points of Order and Appeals—The Speaker shall preserve order and decorum; may speak to points of order in preference of others, rising from his seat for that purpose; and he shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House. On an appeal being taken the question shall be: "Shall the decision of the Chair stand as the judgment of the House?" which question, and the action of the House thereon, shall be entered on the Journal.

8. Temporary Speaker—The Speaker may call a member to the chair, but such substitution shall not extend beyond an adjournment.

9. Speaker *Pro Tempore*—In the absence of the Speaker from the House, the Speaker *pro tem.* shall exercise all the duties and functions of the Speaker.

In the absence of the Speaker and Speaker *pro tem.* the House shall elect a temporary Speaker, whose office shall cease upon the return of the Speaker or Speaker *pro tem.*

10. Speaker Shall Vote—The Speaker shall vote on a call for the ayes and noes, and his name shall be recorded with those of the other members.

11. Duties of the Clerk—The Chief Clerk shall keep a correct journal of the daily proceedings of the House and perform such other duties as may be assigned to him; he shall superintend the recording of the journals of proceedings, the engrossing, enrolling, transcribing and copying of bills, resolutions, etc.; shall permit no records or papers belonging to the House to be taken out of his custody, otherwise than in the regular course of business; shall report any missing papers to the notice of the Speaker; and generally shall perform, under the direction of the Speaker, all the duties pertaining to his office as Clerk.

12. Clerk May Correct Certain Errors—The Chief Clerk and his engrossing clerks, in all proper cases, shall correct any mere clerical error in any House bill, memorial or resolution, such as errors in orthography, or the use of one word for another, as "affect" for "effect," "previous" for "previously," and the like; and also all mistakes in numbering the sections and references thereto, whether such mistakes occur in the original bill or are caused by amendments made thereto: Provided, such corrections shall not be made after engrossment, except by an order of the House; and provided further, that all such corrections shall be reported to the Speaker. But no corrections other than such as are authorized by this rule shall be made at any time by the Clerk or his assistants, unless upon the order of the House.

On questions of orthography, Webster's Unabridged Dictionary shall be taken as the standard.

13. Signing of Acts, Etc.—All acts, addresses and resolutions shall be signed by the Speaker, in the presence of the House, and all warrants, writs



and subpoenas issued by order of the House shall be under his hand and attested by the Clerk.

14. Duties of the Sergeant-at-Arms—It shall be the duty of the Sergeant-at-Arms to execute all orders of the Speaker of the House, or of the House, and to perform all the duties they may assign to him connected with the police and good order of the House chamber; to exercise a supervision over the ingress and egress of all persons to and from the chamber; to see that messages, etc., are promptly executed; that the chamber is properly ventilated and is open for the use of the members of the house from 8 A. M. until 11 P. M., and at such other times as the Speaker may direct; and to perform all other services pertaining to the office of Sergeant-at-Arms.

15. Standing Committees—Standing committees, consisting of three, five or seven members each, at the option of the Speaker, shall be appointed on the following subjects:

1. Way and Means.
2. Judiciary.
3. Appropriations and Claims.
4. Privileges and Elections.
5. Agriculture and Stock Growing.
6. Education.
7. Mines and Minerals.
8. Towns, Counties and Highways.
9. Incorporations and Manufactures.
10. Military Affairs.
11. Federal Relations.
12. Internal Improvements.
13. Public Lands.
14. Water Rights and Irrigation.
15. State Boards and Officers.
16. Labor.
17. Apportionment and Representation.
18. Railroads and Transportation
19. State Institutions.
20. Game and Fish.
21. Affairs of Cities.
22. Rules and Joint Rules.
23. Immigration.
24. Printing.
25. Engrossment.
26. Enrollment.

16. Majority and Minority Reports—In case all the members of any committee required or entitled to report on any subject referred to them cannot agree upon a report, the majority and minority of such committee may each make a separate report; and any member dissenting in whole or in part from the reasonings or conclusions of both the majority and minority, may also present to the House a statement of his reasoning and conclusions; and all reports, if decorous in language and respectful to the House, shall be entered at length on the Journal, unless otherwise ordered by the House.

17. Title of Bill to Be Recited—Every committee, in reporting upon any bill or memorial, shall recite at length, in their report, the TITLE of such bill or memorial, as well as the number thereof.

18. Absence of Committees—No committee shall absent themselves by reason of their appointment, during the sitting of the House, without special leave, except Committees of Conference, Engrossment or Enrollment.

19. Judiciary Committee—The Judiciary Committee shall examine and correct the bills which are referred to it, for the purpose of avoiding repetition and unconstitutional provisions, insuring accuracy in the text and reference and consistency with existing statutes; provided, that any change in the sense or legal effect or any material change in the construction shall be reported to the House as an amendment.

20. Engrossment of Bills—Whenever a House Bill, which is fairly written, without interlineation or erasure, is ordered to be engrossed for a third reading, without amendment, the Committee on Engrossed Bills may report such bill back to the House as an engrossed bill.

21. Enrollment of Bills—The Committee on Enrollment shall not report any bill as correctly enrolled that has any words interlined therein, or when any words have been erased therefrom.

22. When Committee on Enrollment May Report—It shall be in order for the Committee on Enrollment to report at any time, except when questions are being called, or a call of the House is being had.

23. Concerning Substitutes and Amendments—No standing or select committee, or any member thereof, shall report any "substitute" or "amendment," for any bill or bills, or resolution, referred to such committee, which substitute or amendment relates to a different subject, or is intended to accomplish a different purpose than that of the original bill or resolution for which it is reported, or which, if adopted or passed, would require a title essentially different from the title of the original bill or resolution; and any substitute bill or resolution so reported, shall be rejected whenever the House is advised that the same is a violation of this rule. This rule shall not be suspended.

24. Prohibiting "Riders"—No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the House. This rule shall not be suspended.

25. Order of Business—The first business of each day's session shall be the reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein, after which the order of business shall be as follows:

1. Prayer by the Chaplain.
2. Presentation of Petitions.
3. Notices.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Introduction of Bills.
7. Motions and Resolutions.
8. Reading of House Bills, Resolutions and Memorials.
9. Consideration of Messages from the Governor or Senate.
10. Third Reading of House Bills.
11. Third Reading of Senate Bills.
12. Consideration of the General Orders.
13. Unfinished Business.

26. Presentation of Petitions, Etc.—Petitions, memorials, communications and other papers addressed to the House shall be presented by a member in his place; a brief statement of the contents thereof shall be made verbally and endorsed thereon, together with his name, by the member introducing the same.

27. Introduction of Resolutions—Any member offering a resolution in the House may read the same in his place before sending it to the Chair. It shall then be read by the Clerk unless otherwise ordered by the House; and when so read, or upon the reading being dispensed with, shall be considered before the House; but it shall not be acted upon by the House the same day on which it is offered, without leave.

28. Notice of Introduction—All bills and resolutions offered in the House by any member or committee shall be endorsed by the member or committee offering the same, and no bill shall be introduced except after one day's previous notice of the bill by its title, unless by the consent of two-thirds of the members present.

29. First and Second Reading—The first reading of the bill shall be for information, and if objection be made to it the question shall be, "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

30. Two Readings Before Commitment—No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read; and all joint resolutions which shall require the signature of the Governor shall take the same course as to their reading as in the case of bills, unless otherwise ordered by the House.

31. Reference of Bills, Etc.—On the second reading every bill or memorial



requiring three readings shall be referred to an appropriate standing committee, which shall be announced by the Speaker, unless the House, on motion, make a different order in relation thereto. This rule shall apply as well to bills and memorials originating in the Senate, as to those originating in the House; but bills reported by joint committee shall be accepted.

32. **Printing of House Bills**—All House bills, after their second reading, shall be printed and then referred to an appropriate committee without a special order from the House: Provided, That under no circumstances shall any bill be placed in the hands of the printer, but a true copy thereof shall be made, under the direction of the Printing Committee, and forthwith by that committee delivered to the printer, with instructions to print a sufficient number of copies thereof and return the same without delay.

33. **Reading of Memorials**—If the House shall dispense with the printing of any memorial, such memorial shall be read at length at least once before its final passage, and this rule shall not be suspended without the unanimous consent of the House.

34. **Reading of Appropriation Bills**—The second and third readings of bills appropriating money shall be at length, and a suspension of this rule shall not be made without the unanimous consent of the House.

35. **Concerning Reading Generally**—Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day, and no bill shall receive its third reading that has not been referred to a committee of the House, or a joint committee of the Senate and House. All bills, memorials or joint resolutions on their second reading, unless otherwise provided in these rules, shall be read by their titles.

36. **General Orders**—Bills referred to committees and reported back by them, bills originating with and reported by committees, shall constitute the "general orders." Bills in the general orders shall be arranged therein by the Clerk in the order in which they are reported, or referred thereto as aforesaid, and shall be considered in the same order, unless the House shall direct otherwise.

37. **Procedure in General Orders**—The business of the general orders shall be taken up in the following manner, viz.: The Clerk shall announce the title of each bill or other matter as it shall be reached in its order, whereupon it shall be taken up upon the call of any member, without the putting of a question therefor, but if not so moved it shall lose its precedence for the day. And whenever three bills have been thus moved the House shall go into Committee of the Whole upon them without further order, but no bill or other matter shall be taken out of its order except by vote of two-thirds of the members present.

38. **Business of the Committee of the Whole**—All bills, resolutions, memorials, etc., requiring the approval of the Governor, shall, after the second reading, be considered by the House in Committee of the Whole before they shall be taken up and considered by the House.

39. **Addressing the Speaker**—When a member is about to speak in debate or deliver any matter to the House he shall rise from his seat and respectfully address the Chair thus, "Mr. Speaker," and stand until recognized by the Chair, and shall confine himself to the question under debate and avoid personality.

40. **Speaker to Decide Who Has the Floor**—When two or more members shall rise at the same time the Speaker shall name the person who is to speak first.

41. **Order in Speaking**—When a member is called to order he shall sit down and not speak, except in explanation, until it shall have been determined whether he is in order or not. And if a member be called to order for words spoken the exceptional words shall be taken down in writing, that the Speaker and the House may be better able to adjudge the question.

42. **Speaking More Than Twice, or Out of Place, Prohibited**—No member shall speak except in his Place, nor more than twice on any question, except on leave of the House.

43. **Order During Debate**—While the Speaker is addressing the House, or putting a question, no member shall cross the floor, nor leave the House, nor, while a member is speaking, walk between him and the Chair.



44. Precedence in Motions — When a question is under debate no motion shall be received, except —

1. To adjourn.
2. For the previous question.
3. To lay on the table.
4. To postpone indefinitely.
5. To postpone to a day certain.
6. To commit.
7. To amend.

And these several motions shall have precedence in the order in which they stand arranged in this rule.

45. Motion to Strike Out Enacting Clause — A motion to strike out the enacting clause of a House bill shall be considered equivalent to a motion to indefinitely postpone.

46. Concerning Speaking Twice — If a question pending be lost by adjournment and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted to again speak without leave of the House.

47. Motions Decided Without Debate — All incidental questions of order arising after an undebatable motion is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

48. Motions Not to Be Renewed — A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not again be allowed on the same day and at the same stage of the bill or proposition.

49. Motions, How Stated — When a motion is made it shall be stated by the Speaker or read by the Clerk previous to debate. If any member require it, all motions (except to adjourn, postpone or commit) shall be reduced to writing. And any motion may be withdrawn, by consent of the House, before division or amendment.

50. Questions, How Put — All questions shall be put in this form: "Those who are of opinion (as the case may be) say Aye. Those of contrary opinion say No." In all doubtful cases any member may call for a division.

51. Ayes and Noes, When Taken — The ayes and noes shall not be taken unless demanded by two members, except on the final passage of bills, joint resolutions, and resolutions making appropriations of money, in which case the ayes and noes shall be called without demand.

52. Members to Vote Unless Excused — Every member present when a question is put, when his name is called, shall vote, unless the House shall, for special cause, excuse him.

53. Division of a Question — Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantial proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall not preclude either an amendment or a motion to strike out and insert.

54. Committal of Papers — Bills, reports and motions may be committed at the pleasure of the House.

55. Filling Blanks — In filling blanks the largest sum and the longest time shall be first put.

56. Tie Vote — In all cases where the House is equally divided the question shall be lost.

57. Reconsideration — When a motion or question shall have been once determined, either in the affirmative or negative, it shall always be in order for any member of the majority, or, where the House is evenly divided, for any member who voted in the negative, to move for a reconsideration thereof, on the same or the succeeding day.

58. No Question to Be Twice Reconsidered — When a motion for reconsideration is decided that decision shall not be reconsidered, nor shall any vote be reconsidered upon either of the following motions:

1. To adjourn.
2. To lay on the table.
3. To take from the table, or
4. For the previous question.

59. Order in Calling Ayes and Noes—No member or other person shall visit or remain at the Clerk's table while the ayes and noes are being called.

CALL OF THE HOUSE.

60. Any ten members may make a call of the House and require absent members to be sent for, but a call of the House cannot be made after the vote has commenced.

61. On a call of the House being moved, the Speaker shall say: "It requiring ten members to order a call of the House, those in favor of the call will rise," and if ten or more shall rise the call shall be thereby ordered.

62. A call of the House being ordered, the Sergeant-at-Arms shall close the doors, and no member shall be allowed to leave the room.

63. The Clerk shall immediately call the roll of members and note the absentees, whose names shall be read and entered upon the Journal in such a manner as to show who are absent with leave and who are absent without leave. The Clerk shall furnish the Sergeant-at-Arms a list of those who are absent without leave, and the Sergeant-at-Arms shall forthwith proceed to find and bring in such absentees.

64. While the House is under a call no business shall be transacted except to receive and act upon the report of the Sergeant-at-Arms, and no other motion shall be in order, except to adjourn and a motion to suspend further proceedings under the call, which last motion shall be determined by ayes and noes, and shall not be adopted unless the majority of all the members vote in favor thereof.

65. Upon the Sergeant-at-Arms making a report showing that all who are absent without leave (naming them) are present, such report shall be entered on the Journal and the call shall be at an end, and thereupon the doors shall be opened and the business on motion pending at the time the call was made shall be proceeded with.

66. The Sergeant-at-Arms may make report of his proceedings at any time, which report may be accepted and further proceedings under the call thereby dispensed with, but the motion to accept such report shall be determined by ayes and noes, and it shall not be adopted unless a majority of all the members shall vote in favor thereof. If such report be not accepted the Sergeant-at-Arms shall proceed to a completion of his duties as required by Rule 63.

PREVIOUS QUESTION.

67. When any bill, memorial or resolution is under consideration any member being in order and having the floor, may move the "previous question," but such motion shall not be deemed to be seconded unless five members concur therein.

68. The previous question being moved, the Speaker shall say: "It requiring five members to second the motion for the previous question, those in favor of the motion will rise," and if five or more rise the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by ayes and noes. The main question being ordered to be now put, its effect shall be to put an end to all debate, and bring the House to a direct vote upon the pending amendments and then put the main question. A two-thirds vote shall be necessary for the adoption of a motion for the previous question.

69. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall remain as the question before the House, in the same stage of proceedings as before the previous question was moved.

70. On motion for the previous question, and prior to the ordering of the main question, one call of the House shall be in order, but after proceedings under such call shall have been once dispensed with, or after the House, by a two-thirds vote of the members present, shall have ordered the main question, no call shall be in order prior to the decision of such question.

71. Committee of the Whole—The House may resolve itself into a Committee of the Whole by a majority of a quorum voting on motion of a member for that purpose.

72. Course of Bill in Committee—Every bill in Committee of the Whole shall be read and considered in sections unless the Committee shall order



otherwise. The body of the bill shall not be defaced or interlined, but all amendments agreed to by the Committee shall be attached to the bill, noting the section and line, and so reported to the House.

73. Clerical Errors Corrected—Mere clerical errors in a bill may be corrected by the Chairman or Clerk without treating them as amendments.

74. Amendments to Memorials, Etc.—All amendments made to a memorial or report committed to a Committee of the Whole shall be noted and reported as in the case of bills.

75. Rules in Committee of the Whole—The rules observed in the House shall govern as far as practicable the proceedings in the Committee of the Whole, except that a member may speak more than twice on the same subject, and that a call for the ayes and nays or for the previous question, cannot be made in committee.

76. Chairman to Preserve Order—The Chairman of the Committee of the Whole shall have the same power to preserve order and decorum as the Speaker of the House.

77. Report of Committee—After the business upon which the House resolved itself into Committee of the Whole shall be completed, the committee, without motion (or at any time upon motion) shall rise and report.

78. Action of Committee to be noted—Whenever any bill or any memorial or joint resolution requiring the signature of the Governor shall have been reported to the House with amendment by any committee, and subsequently considered by Committee of the Whole, the action of the Committee of the Whole on every such amendment shall be noted or endorsed by the Chairman.

79. Action of House on Report of Committee—The Speaker, upon resuming the chair, shall receive the report of the Chairman of the Committee of the Whole, and the House shall take action thereon.

80. Question Before Third Reading—The final question before the third reading of every bill or other paper originating in the House, and requiring three readings previous to being passed, shall be: "Shall it be engrossed and read a third time?" And upon every such bill or paper originating in the Senate: "Shall it be read a third time?"

81. Engrossing of Bills—Every House bill and resolution ordered to be engrossed and read a third time, shall be rewritten in a plain hand, with all amendments, before being read a third time, except as provided for in Rule 20.

82. No Amendment on Third Reading—On the third reading of the bill or resolution, no amendment, except to fill blanks, shall be received, except by the unanimous consent of the members present.

83. Recommitment Previous to Passage—A bill or resolution may be re-committed at any time previous to its passage. If any amendment be reported upon such commitments the question shall be upon the amendment, and the question for its engrossment and third reading may then be put.

84. Question of Passage of Bills—Upon the third reading of a House bill the question shall be stated thus: "This bill having been read three several times, the question is: 'Shall the bill pass?'" Upon the third reading of the Senate bills the question shall be stated thus: "This bill having been read three several times, the question is, shall the bill be concurred in?"

85. Bills to Be Transmitted to the Senate—Each bill which passes its third reading shall be certified by the Clerk, and by him transmitted to the Senate. The day of transmission shall be entered on the bill books of the Clerk.

86. Privileged Motions—A motion to adjourn shall always be in order, except when the House is voting, or when the last motion acted on was a motion to adjourn, but this rule shall not authorize any member to move an adjournment when another member has the floor.

87. Any motion or resolution relating to the organization of the House, or to any of its officers, members or committees, shall be privileged and need not lie over for consideration under Rule 27.

88. Suspending and Changing Rules—No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor, which motion shall embrace the proposed amendment. No rule shall be suspended nor the order of business changed, except by a vote of at least two-thirds of the members present.

89. No Smoking—There shall be no smoking allowed upon the floor or in



the galleries of the House, after it has been called to order by the Speaker, during the session.

90. Authority on Parliamentary Practice—The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with these rules and the orders of the House and the Joint Rules and Orders of the Senate and House.

On motion of A. F. Bray, the report was received and ordered placed on general orders.

On motion of Huffman, one hundred copies of proof sheets of the preceding report were ordered printed.

Bach moved that when the House adjourn it adjourn until Monday, January 9th, at 2 P. M. Motion carried.

On motion of Bach, a committee of three was appointed on joint rules to confer with a like committee of the Senate.

Appointment of Committee on Joint Rules: The Speaker appointed Messrs. Bach, Scharnikow and Tallant in compliance therewith.

On motion of Bach, the House took a recess of ten minutes.

11:10 A. M.

House resumed,

The Speaker in the chair.

Committee on Privileges and Elections:

On motion of Bach, a committee of five was appointed to act as a Standing Committee on Privileges and Elections.

The Speaker appointed Messrs. Beecher, Bach, Burke, Lockey and Tallant in compliance therewith.

Mr. E. Leech of Choteau County appeared before the bar of the House and presented what purported to be his certificate of election as a member of this body, and asked that his name be placed upon the roll of members.

Mr. A. B. Hamilton of Choteau County again presented what purported to be his certificate of election as a member of this body, and asked that his name be placed upon the roll of members, having taken the oath of office before the Hon. Judge Pemberton, Chief Justice of the State of Montana.

The Speaker received the certificates of election of both gentlemen and referred the same to the standing Committee on Privileges and Elections, instructing the committee to report at its earliest convenience.

On motion of Bach, Messrs. Leech and Hamilton were allowed the privileges of the floor of the House.

The following message was received from the State Board of Examiners:

Helena, Montana, January 6, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement showing:

(a) The names of persons, companies or corporations to whom the State is indebted.

(b) The nature of the indebtedness or claim against the State.

- (c) The amount of such indebtedness or claim.
- (d) The amount approved by the Board.
- (e) The total amount.
- (f) The amount disallowed and the reason for disallowing the same.

(g) The reason why the same has not been paid.

Accompanying this statement are the bills presented to the Board in the nature of vouchers for the services rendered.

We also transmit herewith a general deficiency bill for an act which we present to your honorable body for your consideration, which includes every account or claim which we have allowed under a general head.

J. E. RICKARDS,

H. J. HASKELL,

L. ROTWITT,

Members State Board of Examiners.

On motion of A. F. Bray, the message was received and ordered spread upon the Journal of the House.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## EIGHTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 9, 1893.

House met pursuant to adjournment at 2 P. M.

The Speaker in the chair.

Roll called and the following members were present: Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F. Bray, C. H. Burrell, Burns, Burke, Butler, Carpenter, Coder, Davidson, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter and the Speaker.

Absent—None.

Prayer by the Chaplain.

Journal of the fifth day read and approved.

On motion of Scharnikow, the reading of the report of the Committee on Rules was dispensed with.

On motion of Carpenter, the Western Union Telegraph Company was granted permission to run a wire into the House.

The following notices of the introduction of bills were given:

By Fitschen—In relation to the protection of game and fish.

By A. F. Bray—I hereby give notice that on to-morrow or some future date I will introduce a bill to prohibit the employment or use

of non-resident persons in preserving civil order or the enforcement of law in the State of Montana.

By A. F. Bray—I hereby give notice that on to-morrow or some future day I will introduce a bill to provide a seal for the State of Montana.

By A. Bray—I hereby give notice that on to-morrow or some future day I will introduce a bill to provide for the establishment, maintenance, management and support of an institution to be called the Montana School of Mines.

By Kilgallon—I will on January 10th or some future day introduce a bill entitled "An act relative to the appointment of special deputy marshals or policemen, etc."

Beecher, Chairman of Committee on Privileges and Elections, asked that the House grant the committee power to subpoena witnesses to obtain further evidence in the Hamilton-Leech contest case.

Pending the question, A. J. Davidson appeared at the bar of the House.

On motion of Bach, the further discussion of the Hamilton-Leech case was postponed until to-morrow.

The oath of office was then administered by the Speaker to Davidson.

Davidson was granted leave of absence.

On motion of A. F. Bray, a committee of three was appointed on mileage and per diem of the members of the House.

The Speaker appointed as such committee Fitzgerald, Swett and Fleming.

On motion of A. F. Bray, the House resolved itself into Committee of the Whole, Fitzgerald in the chair.

Committee rose.

House resumed.

The Speaker in the chair.

Fitzgerald, Chairman of the Committee of the Whole, reported having had under consideration the report of the Committee on Rules, and asked leave to sit again.

On motion of Swett, the House adjourned until 10 A. M. to-morrow,

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## NINTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 10, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and the following members were present: Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers,



Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker.

Absent—Davidson,

Prayer by the Chaplain.

Journal of the eighth day read and approved.

On motion of Lockey, a committee of three was appointed to rearrange the seating of the members of the House, consisting of Lockey, Bray and Scharnikow.

On motion of Lockey, the House took a recess of fifteen minutes.

10:55 A. M.

House resumed.

The Speaker in the chair.

The following notices of the introduction of bills were given:

By Carpenter—A bill entitled "An act to legalize and confirm the official acts of notaries public."

By Fleming—A bill to create the Eleventh Judicial District, to be composed of the counties of Madison and Beaverhead.

By Lewis—A bill for the creation of Valley County, to define its boundaries and to provide for its organization.

By Butler—A bill entitled "An act to create the County of Flathead, to define its boundaries and provide for its organization and the election of officers thereof.

By Goodell—A bill relating to bounties on stock-killing animals.

By Swett—A bill to regulate the hours of labor of stationary engineers.

By Swett—A bill to prevent the bringing into this State of private armed forces.

By Bach—A bill to provide for the assignment of his property by an insolvent debtor for the benefit of his creditors.

By Lockhart—A bill establishing an Insane Asylum for the State of Montana.

On motion of Bach, the following resolution was adopted:

*Resolved*, That, with the concurrence of the Senate, there be a joint session of the two bodies to-morrow at 12 M.

Introduction of bills:

By Kilgallon, H. B. No. 1—An act relative to the appointment of special deputy marshals or policemen by Sheriffs, Mayors or other persons authorized by law to make such appointments. Read first and second times and placed on file, on account of Standing Committees not yet having been announced.

The following communication was received from the Governor:

GOVERNOR'S OFFICE,  
Helena, Montana, January 10, 1893.

*To the Speaker of the House:*

I have the honor to invite your attention to the enclosed copy of resolutions passed by the Legislature of the State of Vermont,

Yours respectfully, J. E. RICKARDS, Governor,

Joint resolution relating to the immigration of paupers, criminals and dependent persons:

*Resolved by the Senate and House of Representatives:*

That the Senate and House of Representatives of the State of Vermont respectfully request the Congress of the United States and the Legislative Departments of the several States to enact laws establishing a uniform policy of immigration from foreign nations and of migration from State to State of persons who are dependent upon charity, and are of idle and vicious habits.

*Resolved,* That the Secretary of State be requested to transmit copies of the foregoing resolution to the presiding officers of both Houses of the Congress of the United States, to each of the Senators and Representatives therein from this State and to the Governors of the several States of the United States.

WILLIAM W. STICKNEY,  
Speaker of the House of Representatives.  
F. STEWART STRANAHAN,  
President of the Senate.

[SEAL]

A true copy.

Attest: CHAUNCEY W. BROWNELL, Secretary of State.

The following communication was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 9, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Steele introduced S. B. No. 1, "An act to regulate the practice of dentistry in the State of Montana."

Notices of the introduction of bills were given as follows:

By Baylies—"A bill for the repeal of 'A Bill for an Act with Reference to Estrays Upon the Public Domain,' approved March 5, 1891."

By Matts—"A bill for an act to establish, locate, maintain and govern the University of the State of Montana."

By Hoffman—"A bill to establish and locate the Agricultural College and Experiment Station of the State of Montana."

By McDermott—"A bill for the location, incorporation, establishment, maintenance and support of the Montana School of Mines."

Very respectfully, DAVID MARKS, Secretary.

On motion of Bach, both communications were received and ordered spread on the Journal of the House.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for the consideration of general orders, Fitzgerald in the chair.

11:30 A. M.

Committee arose.

House resumed.

The Speaker in the chair.

Fitzgerald, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under

consideration the report of the Committee on Rules, beg leave to report the same back with the following amendments, and recommend the same be adopted as the rules of the House.

Amend section 4 by inserting after the word "convention," line 4, the words "ex-members of the Legislative Assembly."

Amend rule 6 as follows: That a period and a dash be inserted in the place of the comma after the word "committees," on line 7, page 3, and that a comma and a dash be inserted in the place of the period after the word "general" on the same line.

Section 8, line 2, strike out "exceed" and insert "extend."

Rule 12, add after the word "house," in line 10, the words "and provided further, that all such corrections shall be reported by the Chief Clerk to the Speaker."

Rule 15, insert after the words "Rules and Joint Rules," the words "23. Emigration." In line 26, strike out "23" and insert "24." In line 27 strike out "24" and insert "25." In line 28 strike out "25" and insert "26."

Amend rule 25 by inserting after figure 1 the words "prayer by the Chaplain." Then renumber the order of business, beginning with No. 2, presentation of petitions.

Amend rule 32 by striking out all of line 2 after the word "reading." Strike out all of lines 3 and 4 up to the word "provided," and insert in lieu thereof the words "shall be printed and then referred to an appropriate committee."

Amend rule 39 by inserting after the word "Speaker" the words "and stand until recognized by the chair."

Amend Rule 64, by striking out the word "elect" in 7th line. Also Rule 66 by striking out the word "elect" in 5th line thereof.

Insert at the end of Rule 68, the following: A two-thirds vote shall be necessary for the adoption of a motion for the previous question.

Rule 86. After the word "voting" in the second line, insert the words "or when the last motion acted on was a motion to adjourn."

Amend Rule 70, by striking out the words "a majority," and insert in place thereof, the following: "The House by a two-thirds vote of the members present."

On motion of Scharnikow, the report was adopted.

The following communication was received:

HELENA PUBLIC LIBRARY,  
Helena, Montana, January 9, 1893.

*To the Speaker of the Montana House of Representatives:*

The Trustees of the Helena Public Library wish to extend an invitation to the members of the House of Representatives to make use of the Public Library of the City of Helena, during the present session. Very respectfully,

FRANK C. PATTEN, Librarian.

On motion of Bach, the communication was received and ordered spread upon the Journal.

On motion of A. F. Bray, the House took a recess until 2 P. M.



## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Roll called—Quorum present,

On motion of Bach, the House proceeded to comply with the United States law and vote for United States Senator.

On motion of Walkup, the formality of nominations was dispensed with and the members announced their choice for United States Senator as their names were called, as follows:

For W. A. Clark: Ash, Butler, Fitschen, Kilgallon, Lockhart, Logue, McDonel, Martin, Sappington, Scharnikow, Truman, Wilson—12.

For W. F. Sanders: Annear, Babcock, Benson, Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—25.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For S. T. Hauser: Bach, Loring, Smalley, Tierney, Wahle—5.

For Mulville: Beecher, A. F. Bray, The Speaker—3.

For R. B. Smith: Dudley—1.

For Major Maginnis: Murphy—1.

No candidate receiving a majority of the votes cast, the Speaker declared no election.

Fleming moved that the oath of office be administered to E. E. Leech and that he be allowed to take his seat on the floor of the House, irrespective of any prejudice to the rights of A. B. Hamilton to contest.

Bach moved to adjourn. Seconded by Scharnikow.

Fleming's motion seconded by Monteath.

The ayes and noes being called for on the motion to adjourn, resulted as follows:

Ayes—Ash, Bach, Beecher, Bonner, Burke, Butler, Dudley, Fitschen, Fitzgerald, Gorman, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Ward, Walkup, Wilson—26.

Noes—Annear, Babcock, Benson, Bray, A. F., Bray, C. H., Burrell, Burns, Carpenter, Coder, Fleming, Godell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter, The Speaker—27.

The motion declared lost.

Bach moved a call of the House.

Seconded by ten members, rising to their feet.

Monteath moved the previous question.

Scharnikow moved to lay Monteath's motion on the table.

The Speaker ruled that the motion for the previous question was in order, and then put the question:

"Shall the main question be now put?"

The ayes and noes being called for, resulted in the members voting as follows:

Ayes—Annear, Babcock, Benson, Bray, A. F., Bray, C. H., Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter, The Speaker—27.

Noes—Ash, Bonner, Burke, Butler, Dudley, Fitschen, Fitzgerald, Gorman, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Ward, Walkup, Wilson—24.

Not voting—Bach, Beecher—2.

The Speaker declared the motion carried.

Scharnikow moved that the House proceed to ballot by calling the ayes and noes. Motion carried.

The House then proceeded to ballot upon the seating of Leech, resulting as follows:

Ayes—Annear, Babcock, Benson, Bray, A. F., Bray, C. H., Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter, The Speaker—27.

Noes—Ash, Bach, Beecher, Bonner, Burke, Butler, Dudley, Fitschen, Fitzgerald, Gorman, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Ward, Walkup, Wilson—26.

Absent—Davidson.

The Speaker then declared Leech entitled to his seat on the floor of the House, and requested him to come forward and take the oath of office.

The oath of office was then administered to E. E. Leech by the Speaker.

A. F. Bray moved that the Committee on Privileges and Elections be granted full power to subpœna all witnesses and obtain all necessary evidence in contested cases of election.

The ayes and noes being called for, resulted as follows:

Ayes—Annear, Bach, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, Martin, Monteath, Murphy, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, The Speaker—46.

Noes—Babcock, Fleming, Lockey, McKay, Metzel, Rose, Winter—7.

Not voting—Ash.

Absent—Davidson.

The Speaker declared the motion carried.

On motion of Kilgallon, the House adjourned until 10 A. M. tomorrow.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## TENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 11, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and the following members were present: Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker.

Absent—Davidson.

Prayer by the Chaplain.

Journal of the ninth day read and approved.

Notices of the introduction of bills:

By Scharnikow—A bill fixing the per diem and mileage of members of the Legislative Assembly of Montana.

Also, a bill to repeal the law known as the Estray law.

By Lockey—A bill for an act to amend Section 1560 of the Fifth Division of the Compiled Statutes of Montana.

Also, a bill for an act to amend Sections 533, 534 and 538 of Chapter XXVIII of the Fifth Division of the Compiled Laws of Montana.

Also, a bill for an act to amend Section 475 of the Fifth Division of the Compiled Laws of Montana.

By C. H. Bray—A bill for an act to establish a State Reform School, and provide for its management.

By Van Cleve—A House Joint Memorial for the segregation of a certain portion of the National Park.

By Swett—A bill for the establishment of a "State Bureau of Statistics and Labor," and an appointment of a Commissioner thereof.

By Rose—A bill for the establishment, maintenance and support of a State Normal School; the same to be located at or near Dillon, Beaverhead County, Montana.

By A. F. Bray—A bill for an act entitled "An act to regulate the practice of dentistry in the State of Montana."

By A. F. Bray—A bill for an act entitled "An act appropriating money for the relief of Emily Swan and others therein named."

By Babcock—A bill entitled "An act to locate the State Prison, and to select a site therefor, and for the erection of a State Prison thereon.

Also, a bill entitled an act to amend Subdivision 6 of Section 14 of "An Act Concerning Revenue." Approved March 6, 1891.

By Ash—A bill for the location of a State Normal School at Livingston, Montana.

By Monteath—A joint memorial to Congress relative to the election of United States Senators.



By Smalley—A bill for an act to create the County of Bitter Root, defining its boundaries and providing for its proper organization.

By Huffman—A bill fixing the location of the Agricultural College and Experimental Station of the State of Montana.

Introduction of bills:

By Swett, H. B. No. 2—A bill for an act regulating the hours of stationary engineers and fixing penalties for violation thereof. Read first and second times and placed on file.

H. B. No. 3—A bill for an act prohibiting the bringing of private armed forces or bodies of men into the State of Montana. Read first and second times and placed on file.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,  
Helena, Montana, January 10, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement showing—

(a) The names of clerks employed by the State for the month of December, 1892,

(b) The particular service or services rendered the State by such persons.

(c) The amount of such claim and the amount approved by the Board.

(d) The total amount now due and owing by the State to such persons.

Accompanying this statement are the bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

SENATE CHAMBER,  
Helena, Montana, January 10, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Baylies, S. B. No. 2—A bill for an act to repeal an act with reference to estrays upon the public domain.

By Matts, S. B. No. 3—A bill for an act to establish, locate, maintain and govern the University of the State of Montana.

Notices of the introduction of bills were given as follows:

By Gibson—A bill for the better protection of fish and game.

By Folsom—A bill to create the Eleventh Judicial District of the State of Montana, and to provide for its organization.

Also, I am directed by the Senate to inform your honorable body that the following concurrent resolutions were passed:

*Resolved,* With the concurrence of the House, that there be a joint session of the two bodies at 12 M. Very respectfully,

DAVID MARKS, Secretary.

On motion of A. F. Bray, the messages were received and ordered spread on the Journal.

GOVERNOR'S OFFICE,  
Helena, Montana, January 11, 1893.

*To the Speaker of the House:*

I have the honor to transmit herewith the report of the Code Commission, and a copy of the four Codes as finally corrected by the Commissioners.

Respectfully,

J. E. RICKARDS, Governor.

On motion of Huffman, the communication was received and ordered spread on the Journal.

On motion of Lockey, the House rules, as amended and reported by the Committee of the Whole, were adopted.

On motion of Lockey, the question of printing five thousand copies of the Governor's message was referred to the Committee on Printing, when such committee shall be announced.

On motion of Scharnikow, two hundred copies of the rules and joint rules were ordered to be printed in pamphlet form after the adoption of the joint rules.

On motion of A. F. Bray, the House took a recess until 11:50 A. M.

11:50 A. M.

House resumed.

The Speaker in the chair.

The honorable members of the Senate appearing before the bar of the House were received by the House, and in pursuance of law and of concurrent resolution the House and Senate resolved itself into Joint Assembly for the purpose of balloting for United States Senator.

IN JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 11, 1893.

The members of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana, was called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House respectively were found to be present.

The Secretary of the Senate and the Chief Clerk of the House each read their respective journals pertaining to the vote taken for a United States Senator at yesterday's session.

The ballot of the Senate resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, McDermott—4.

For Wm. W. Dixon: Eggleston, Matts—2.

For Samuel T. Hauser: Hoffman, Steele—2.

For Martin Maginnis: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray,

Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Butler, Fitschen, Kilgallon, Logue, McDonel, Martin, Sappington, Scharnikow, Truman, Wilson—11.

For Samuel T. Hauser: Bach, Beecher Dudley, Lockhart, Loring, Murphy, Smalley, Tierney, Wahle—9.

For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For Samuel Mulville: A. F. Bray, The Speaker—2.

Absent—Davidson—1.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 33 votes.

William A. Clark, 15 votes.

William W. Dixon, 8 votes.

Samuel T. Hauser, 11 votes.

Samuel Mulville, 2 votes.

Martin Maginnis, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:40 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## ELEVENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 12, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were found present except Davidson.

Prayer by the Chaplain.

Journal of the tenth day read and approved.

The following notices of the introduction of bills were given:

By A. F. Bray—A bill for an act entitled "An act to provide for the location and purchase of the Warm Springs and the improvements thereon, in Deer Lodge County, as an Insane Asylum."

Also, a bill for an act to appropriate money for certain purposes, and for certain persons therein named.

By Burns—A bill entitled "An act for the creation of a new county, to be composed of a portion of eastern Choteau County, to be called 'Bear Paw County,' also defining its boundaries," etc.

By Tierney—A bill to legalize funding bonds issued by counties in Montana.



By Babcock—A bill to amend Sections 595 and 617 of the Fifth Division of the Compiled Statutes.

By Metzel—A bill for an act to locate, establish and endow a State Normal School at or near Twin Bridges.

By Monteath—A bill for an act regulating primary elections and prescribing penalties for frauds thereat.

By Scharnikow—A bill concerning licenses.

The Speaker then announced the following committees as the Standing Committees of the House:

#### WAYS AND MEANS.

Lockey, Monteath, McKay, Murphy, Sappington, Logue, A. F. Bray.

#### JUDICIARY,

Bach, Scharnikow, Butler, Fitzgerald, Tallant, Lewis, Carpenter.

#### APPROPRIATIONS AND CLAIMS.

Babcock, Huffman, Losee, Laurence, Logue, Davidson, Smalley.

#### PRIVILEGES AND ELECTIONS.

Beecher, Bach, Burke, Tallant, Lockey.

#### AGRICULTURE AND STOCK GROWING.

Sappington, Ward, Lockhart, Metzel, Coder, McKay, Truman.

#### EDUCATION.

Monteath, Lockey, Fleming, Tallant, Wahle, Dudley, Wilson.

#### MINES AND MINERALS.

Kilgallon, Fitschen, Bonner, Burrell, Winter.

#### TOWNS, COUNTIES AND HIGHWAYS.

Smalley, Bonner, Wahle, Tierney, Loring, Van Cleve, Lewis, Burns, Babcock.

#### INCORPORATIONS AND MANUFACTURES.

Tierney, Lockhart, Burke, Losee, Annear.

#### MILITARY AFFAIRS.

Graves, Rose, Fleming, Fitzgerald, Dudley.

#### FEDERAL RELATIONS.

Fitzgerald, McDonel, Gorman, Leech, Bray, C. H.

#### INTERNAL IMPROVEMENTS.

Rose, Jeffers, Coder, Fitschen, Davidson.

#### PUBLIC LANDS.

Logue, Ash, Butler, Kilgallon, Goodell, Swett, Lewis.

#### WATER RIGHTS AND IRRIGATION.

Huffman, Van Cleve, Goodell, Truman, Ward.

#### STATE BOARDS AND OFFICERS.

Lewis, Graves, Laurence, Benson, Wahle, Burke, Scharnikow.

## LABOR.

Bonner, Kilgallon, Gorman, Winter, Swett, Bray, A. F., Beecher.

## APPORTIONMENT AND REPRESENTATION.

Fleming, Carpenter, Huffman, Martin, McDonel.

## RAILROADS AND TRANSPORTATION.

Tallant, Bray, C. H., Swett, Scharnikow, Martin.

## STATE INSTITUTIONS.

A. F. Bray, Babcock, Rose, Annear, Coder, Ash, Gorman, Beecher, Martin.

## GAME AND FISH.

Dudley, Fitschen, Logue, Jeffers, McKay.

## AFFAIRS OF CITIES.

Annear, Carpenter, Metzel, Benson, Truman, Walkup, Sappington.

## RULES AND JOINT RULES.

Loring, Bach, McDonel, Murphy, Burrell, Burns, Leech.

## IMMIGRATION.

C. H. Bray, Graves, Goodell, Tierney, Ward.

## PRINTING.

Walkup, Loring, Wilson, Monteath, Benson.

## • ENGROSSMENT.

Wilson, Smalley, Butler, Van Cleve, Laurence.

## ENROLLMENT.

Scharnikow, Martin, Lockhart, Winter, Losee.

Introduction of bills:

By Lewis, H. B. No. 4—A bill for an act to create the County of Valley, to define its boundaries and provide for its organization. Read first and second times and ordered printed.

By A. F. Bray, H. B. No. 5—A bill for an act to appropriate money for the relief of Emily Swan and others therein named. Read first and second times and ordered printed.

By Scharnikow, H. B. No. 6—A bill for an act fixing the per diem and mileage of members of the Legislative Assembly of Montana. Read first and second times and ordered printed.

Also H. B. No. 7—A bill for an act to repeal an act entitled "An act in reference to estrays upon the public domains. Read first and second times and ordered printed.

By Babcock, H. B. No. 8—A bill for an act to locate the State Prison, select a site therefor, and the erection of a State Prison thereon. Read first and second times and ordered printed.

By Babcock, H. B. No. 9—A bill for an act to amend Section 13 of an act Concerning Revenue, approved March 6th, 1891. Read first and second times and ordered printed.

By A. F. Bray, H. B. No. 10—A bill to appropriate money for certain purposes and for certain persons therein named. Read first time, and on motion of Bach, bill rejected.

By Lockey, H. B. No. 11—A bill to amend Sections 533, 534 and 538 of Chapter XXVIII of the Fifth Division of the Compiled Statutes of Montana. Read first and second times and ordered printed.

Also, H. B. No. 12—A bill to amend Section 475 of the Fifth Division of the Compiled Statutes of Montana.

Also, H. B. No. 13—A bill to amend section 1560, Fifth Division of the Compiled Statutes of Montana.

Both bills were read first and second times and ordered printed.

On motion of Lockey, the Codes and report of Code Commission were referred to the Judiciary Committee.

On motion of A. F. Bray, a committee of three was appointed to apportion the Governor's message among the appropriate standing committees of the House, consisting of Bray, Bach and Lockey.

On motion of Scharnikow, the standing committees were requested to notify the House what Clerks they needed.

The following message was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,  
Helena, Montana, January 11, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of the claims in the sum of \$13,967.09, which shows:

(a) The names of persons, companies or corporations to whom the State is indebted.

(b) The nature of the indebtedness or claim against the State.

(c) The amount of such indebtedness or claim.

(d) The amount approved by the Board.

(e) The total amount.

(f) The amount disallowed and the reason for disallowing same.

(g) The reason why the same has not been paid.

Accompanying this statement are bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,

H. J. HASKELL,

L. ROTWITT,

Members State Board of Examiners.

The following message was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 11, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By McDermott, S. B. No. 4—A bill for the establishment, maintenance and support of the School of Mines.

By Folsom, S. B. No. 5—An act to create the Eleventh Judicial District of the State of Montana and to provide for its organization.

Notices of the introduction of bills have been given as follows:

By Cullen—A bill for an act to provide for an additional bounty for the killing of wolves.



By Gibson—A bill for an act to provide for the location and establishment of a School of Mines, College of Agriculture and Mechanic Arts, and State University.

By Power—A bill for an act to create and organize the County of Teton and to define the boundaries thereof, and for the appointment of the various officers for said county.

Very respectfully,

DAVID MARKS, Secretary.

On motion of Graves, the messages were received and ordered spread on the Journal.

On motion of A. F. Bray, the House took a recess for ten minutes.

11:50 A. M.

House resumed.

The Speaker in the chair.

On motion of Walkup, Miss Alice McAndrews was elected as Clerk of the Printing Committee.

The honorable Senate appearing before the bar of the House were received, and the House and Senate resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

#### IN JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 12, 1893.

The members of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senator Folsom announced a pair with Senator Gibson—that if Senator Gibson were present he would have voted for Martin Maginnis for United States Senator. Had not Senator Folsom been paired he would have voted for W. F. Sanders for United States Senator.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Buford, Cardwell, Cullen, McDermott—4.

For William W. Dixon: Eggleston, Matts—2.

For Samuel T. Hauser: Hoffman, Steele—2.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Butler, Fitschen, Kilgallon, Lockhart, Logue, McDonel, Martin, Sappington, Scharnikow, Truman, Wilson—12.

For Samuel T. Hauser: Bach, Dudley, Loring, Murphy, Smalley, Tierney, Wahle—7.

For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For Samuel Mulville: Beecher, A. F. Bray and The Speaker—3.  
Absent—Davidson, Gibson—2.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 16 votes.

William W. Dixon, 8 votes.

Samuel T. Hauser, 9 votes.

Samuel Mulville, 3 votes.

There being no choice, the President declared no election.

On motion of Senator Hoffman, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Beecher, A. C. Schneider was appointed Clerk of the Committee on Privileges and Elections.

On motion of Scharnikow, the Committee on Printing was instructed to have committee cards printed for the members of the House.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk,

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## TWELFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 13, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except Davidson.

Prayer by the Chaplain.

Journal of eleventh day read and approved.

The following notices of the introduction of bills were given:

By Huffman—A bill for an act to establish departments and to create a State Water Commission, and to define the powers of each,

Also, a bill for an act to prevent corrupt practices in elections, and to provide for publicity of election expenses,

By Bach—A bill to regulate the fees of Notaries Public for the protesting of promissory notes and other negotiable paper.

Also, a bill for the further regulation and control of the Board of County Canvassers of Elections,

Also, a bill to amend an act entitled "An act to provide for the registration of the names of electors, and to prevent fraud at elections."

Also, a bill for an appropriation to provide for and purchase the proper facilities for the preservation of the Records of the Supreme Court.

By Tierney--A bill for an act entitled "An act to amend Sections 790, 795, 796 and 808 of the Fifth Division of the Compiled Statutes of Montana.

By Scharnikow--Code of Civil Procedure of the State of Montana.

Political Code of the State of Montana.

Civil Code of the State of Montana.

Penal Code of the State of Montana.

By Sappington--A joint resolution appropriating money for the relief of the officers and attaches of the Third Legislative Assembly.

Fitzgerald, Chairman of the Committee on Mileage and Per Diem, made a report, which was read and, on motion of Monteath, referred back to the committee for correction.

A. F. Bray, Chairman of the Committee to Apportion the Governor's Message among the Standing Committees of the House, reported as follows:

Helena, Montana, January 13, 1893.

*Mr. Speaker:* We, your Committee on Apportionment of the Governor's Message, respectfully submit the following report:

All of that portion which relates to finance of the State management of the Penitentiary, Insane Asylum and other unfortunates supported by the State levy of taxes, we refer to the Committee on Ways and Means.

All of that portion which relates to the Attorney General's report, Great Seal, the Supreme Court and the Code, we refer to the Judiciary Committee.

All of that part which refers to contracted indebtedness of the State we refer to the Committee on Appropriations and Claims.

All of that part which relates to purity of the ballot, registration and the Australian law we refer to the Committee on Privileges and Elections.

The report of the Superintendent of Public Instructions we refer to the Committee on Education.

The recommendation as to silver legislation we refer to the Committee on Mines and Minerals.

The recommendation as to State boundaries and new counties we refer to the Committee on Towns, Counties and Highways.

The report of the Adjutant General and recommendation as to the National Guard are referred to the Committee on Military Affairs.

The recommendation as to forest and prairie fires is referred to the Committee on Agriculture and Stock Growing.

All of that portion which relates to public lands we refer to the Committee on Public Lands.

All of that portion which relates to irrigation we refer to the Committee on Water Rights and Irrigation.

All of that portion which relates to the report of the State Auditor and State Board of Equalization, report of Boiler Inspector, report of State Board of Medical Examiners, report of State Examiners and



the recommendation as to the Governor's successor we refer to the Committee of State Boards and Officers.

All of that portion which refers to the Commissioner of Labor and the recommendation as to the Pinkerton forces we refer to the Committee on Labor.

All of that portion which relates to the permanent State Capital, State and educational institutions, Orphans' Home, Reform School, Insane Asylum and the Penitentiary we refer to the Committee on State Institutions.

All of that part which relates to game and fish we refer to the Committee on Game and Fish.

All that part which relates to mineral lands we refer to the Committee on Federal Relations.

All of the recommendations are respectfully submitted.

A. F. BRAY, Chairman.

On motion of Graves, the report was received, adopted and ordered spread on the Journal, and the committee discharged.

The following bills were introduced:

By Smalley, H. B. No. 16—An act to create the County of Bitter Root, to define its boundaries, and to provide for its organization. Read first and second times and ordered printed.

By Fleming, H. B. No. 14—An act to create the Eleventh Judicial District of the State of Montana, and to provide for its organization. Read first and second times and ordered printed.

By Scharnikow, H. B. No. 15—An act Concerning Licenses. Read first and second times and ordered printed.

By Tierney, H. B. No. 17—An act legalizing funding bonds, issued by counties previous to January 5, 1893. Read first and second times and ordered printed.

By A. F. Bray, H. B. No. 18—An act to appropriate money for certain purposes, and for certain persons therein named. Read first and second times. The rules were suspended pertaining to printing, and the bill was referred to the Judiciary Committee.

On motion of Tallant, the Sergeant-at-Arms was instructed to procure such books, papers and other appliances for the use of the officers, committees and members of the House as may be necessary for the proper conducting of business.

On motion of Sappington, the following resolution was adopted:

*Be it Resolved, by the House of Representatives of the Third Legislative Assembly of the State of Montana, That the Chief Clerk of the House shall furnish and deliver to the State Auditor a pay roll of the officers and attaches of the House once a week with the respective amounts due them set opposite their names. The State Auditor shall then issue warrants for the respective amounts due.*

On motion of Babcock, the following concurrent resolution was adopted:

*Be it Resolved by the House of Representatives of Montana (the Senate concurring), That a committee of five, to consist of two members of the Senate and three members of the House, be appointed, whose duty it shall be to ascertain and report how much money will*

be necessary for the use of the State Board of World's Fair Managers for the State of Montana to complete its labors and make a creditable display at the World's Columbian Exposition.

The Speaker appointed Babcock, A. F. Bray and Scharnikow as such committee on the part of the House.

The following communication was received from the Governor:

GOVERNOR'S OFFICE,  
Helena, Montana, January 13, 1893.

*To the Honorable Speaker of the House of Representatives:*

I have the honor to transmit herewith a supplementary report of the ex-State Treasurer, showing the receipts and disbursements of his office from December 1, 1892, to January 1, 1893.

Respectfully, J. E. RICKARDS, Governor.

On motion of A. F. Bray, the communication was received and ordered spread on the Journal.

On motion of A. F. Bray, the House took a recess for ten minutes.

11:50 A. M.

House resumed.

The Speaker in the chair.

The honorable Senate appeared before the bar of the House, was received, and the House and Senate resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

IN JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 14, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Folsom and Gibson were paired,

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Wilson—19.



For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For Samuel Mulville: Beecher, A. F. Bray, The Speaker—3,  
Absent—Davidson—1,

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 25 votes.

William W. Dixon, 8 votes.

Samuel Mulville, 3 votes,

There being no choice, the President declared no election.

On motion of Senator Buford, the joint session dissolved.

12:30 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, Chairman of Committee on State Institutions, E. A. Kenny was elected as Clerk of said committee.

On motion of Tallant, Chairman of the Committee on Railroads and Transportation, Sidney Logan was elected as Clerk of said committee.

On motion of Bach, Chairman of the Judiciary Committee, E. C. Brown was elected Clerk of said committee.

On motion of Babcock, Chairman of the Committee on Appropriations and Claims, Miss H. Pearse was elected Clerk of said committee.

On motion of Bonner, Chairman of the Committee on Labor, Miss K. Hagerty was elected Clerk of said committee.

On motion of Wilson, Chairman of the Committee on Engrossment, E. F. Wiggin was elected Clerk of said committee.

On motion of Smalley, Chairman of the Committee on Towns, Counties and Highways, Miss L. Corwin was elected Clerk of said committee.

On motion of Fleming, Chairman of Committee on Apportionment and Representation, Miss K. Kellogg was elected Clerk of said committee.

On motion of Scharnikow, Chairman of Committee on Enrollment, Miss M. Hessian was elected Clerk of said committee.

On motion of A. F. Bray, the appointment of John R. Eardley as Journal Clerk was confirmed by the House.

On motion of Bach, the appointment of E. C. Boon as Clerk of the Committee on Rules was confirmed by the House, with the understanding that he be immediately discharged from said committee.

On motion of Kilgallon, the appointment of H. Cannon as Clerk of the Committee on Mines and Minerals was confirmed by the House.

On motion of Monteath, the appointment of Mrs. A. L. Norville as Assistant Engrossing Clerk was confirmed by the House.

Graves, having voted in the affirmative on the preceding vote, now moved that Mrs. A. L. Norville, Assistant Engrossing Clerk, be discharged.

On motion of Swett, the motion of Graves was indefinitely postponed.



On motion of Scharnikow, all clerks appointed were instructed to report at the Chief Clerk's desk to be sworn in and assigned to their respective duties.

Fitzgerald, Chairman of the Committee on Mileage and Per Diem, made the following report:

*Mr. Speaker:* Your committee appointed to ascertain the amounts due members of the House of Representatives of the Third Legislative Assembly for mileage and per diem beg leave to report that they find the following named persons entitled to the amounts set opposite their names for mileage. Being in doubt as to per diem due members, we respectfully ask for instructions from your honorable body:

NAMES.	NO. OF MILES.	RATE.	AMOUNT.
Ash, T. C. ....	246	20	49 20
Annear, James .....	150	20	30 00
Beecher, D. W. ....	196	20	39 20
Bach, Thomas C. ....	2	20	40
Benson, A. E. ....	264	20	52 80
Babcock, A. L. ....	478	20	95 60
Bray, A. F. ....	150	20	30 00
Bray, C. H. ....	6	20	1 20
Bonner, Charles. ....	202	20	40 40
Burke, Ed. ....	204	20	40 80
Burns, T. C. ....	486	20	97 20
Burrell, Alexander .....	44	20	8 80
Butler, S. H. ....	1,266	20	253 20
Carpenter, Steve .....	2	20	40
Coder, C. L. ....	784	20	156 80
Davidson, A. J. ....	6	20	1 20
Dudley, C. E. ....	44	20	8 80
Fleming, J. E. ....	350	20	70 00
Fitschen, G. C. ....	150	20	30 00
Fitzgerald, T. D. ....	204	20	40 80
Gorman, Michael. ....	250	20	50 00
Graves, S. W. ....	150	20	30 00
Goodell, C. M. ....	382	20	76 40
Huffman, L. A. ....	774	20	154 80
Jeffers, J. B. ....	382	20	76 40
Kilgallon T. S. ....	150	20	30 00
Laurence, D. ....	150	20	30 00
Lewis, Thomas H. ....	750	20	150 00
Lockey, R. ....	2	20	40
Logue, W. A. ....	202	20	40 40
Lockhart, W. H. ....	120	20	24 00
Losee, J. B. ....	204	20	40 80
Loring, Lyman. ....	1 266	20	253 20
Leech, E. E. ....	396	20	79 20
Martin, James E. ....	200	20	40 00
Matthews, Thomas. ....	150	20	30 00
McKay, J. R. ....	814	20	162 80
McDonald, James .....	194	20	38 80
Metzel, Alexander. ....	392	20	78 40
Murphy, J. H. ....	34	20	6 80
Monteath, J. H. ....	150	20	30 00
Rose, A. O. ....	290	20	58 00
Sappington, H. H. ....	254	20	50 80
Scharnikow, E. ....	130	20	26 00
Smalley, E. C. ....	304	20	60 80
Swett, W. H. ....	150	20	30 00
Ward, G. W. ....	342	20	68 40
Walkup, J. R. ....	204	20	40 80
Wahle, Benjamin. ....	72	20	14 40
Winter, H. E. G. ....	108	20	21 60
Wilson, F. K. ....	150	20	30 00
Tallant, D. J. ....	196	20	39 20
Tierney, W. E. ....	73	20	14 40
Truman, Arthur. ....	200	20	40 00
Van Cleve, Paul .....	386	20	77 20

If there are any errors for correction, your committee has not been advised.

T. D. FITZGERALD, Chairman.

On motion of Monteath, the report was received and adopted and the Chief Clerk instructed to file a certified copy thereof with the State Auditor.

A. F. Bray stated that A. B. Hamilton wished to notify the House that he will contest the seat of E. E. Leech of Choteau County, and had asked Bray to so notify the House.

On motion of Bach, Hamilton's notice of contest was referred to the Committee on Privileges and Elections.

On motion of Bach, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTEENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 14, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the Chair.

Roll called and the following members answered to their names: Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker.

Absent—Davidson.

Prayer by the Chaplain.

Journal of the twelfth day read and approved.

The following notices of the introduction of bills were given:

By Babcock—A bill to appropriate money for certain ordinary expenses of the State Government, and for the purposes therein specified, for the fiscal years ending December 1, A. D. 1893, and December 1, A. D. 1894.

Also, a bill to appropriate money for certain purposes and for certain persons therein named.

Bach, Chairman of the Committee on Joint Rules, reported and recommended that the joint rules of the last Legislative Assembly be adopted.

On motion of Scharnikow, the report was received and it and the rules ordered spread on the Journal of the House.

On motion of Scharnikow, the rules pertaining to first and second readings of bills were suspended by a unanimous vote and the following were introduced:

By Scharnikow, H. B. No. 19, entitled "Code of Civil Procedure of the State of Montana." The bill having already been printed, it was referred at once to the Judiciary Committee.

By Scharnikow, H. B. No. 20, entitled "Political Code of the State of Montana." The bill being already printed, it was referred to the Judiciary Committee.

Also, H. B. No. 21, entitled "Civil Code of the State of Montana." The bill being already printed, it was referred to the Judiciary Committee.

Also, H. B. No. 22, entitled "Penal Code of the State of Montana." The bill being already printed, it was referred to the Judiciary Committee.

H. B. No. 8, which was introduced by Babcock, was, by consent of the House, withdrawn and another substituted bearing the same number.

On motion of Bach, a committee of five was appointed by the Speaker on Clerks and Employes of the House, consisting of Bach, Tierney, Graves, Lewis and Beecher. They were instructed to make a report next Monday.

Introduction of bills continued:

By Rose, H. B. No. 23—An act to establish a State Normal School at Dillon, in the County of Beaverhead, in the State of Montana. Read first and second times and ordered printed,

By Huffman, H. B. No. 24—A bill for an act to establish departments and to create a State Water Commission, and to define the powers of each. Read first and second times and ordered printed.

By Monteath, H. B. No. 25—A bill for an act to prevent and punish illegal voting at primary elections. Read first and second times and ordered printed.

#### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

1. Time of Opening and Closing—The chamber of the Senate and the hall of the House of Representatives shall be open from 8 o'clock A. M. until 11 o'clock P. M. of each day during the sessions, unless by resolution of the Senate its chamber, or by resolution of the House its hall, shall be closed.

2. Messages, How to Be Transmitted—Messages shall be transmitted between the two houses by the Sergeant-at-Arms or his assistants, or by such other officer as either house may designate, which messages shall keep each house informed with promptness of all notices given and bills introduced, and of the general condition and state of the business of the other, and such messages shall be in writing.

3. Announcement of Messages—When a message shall be sent from either house to the other it shall be announced at the door of the house to which it is sent by the Sergeant-at-Arms or his assistants, and shall be respectfully communicated to the presiding officer by the person by whom it is sent.

4. Transmission of Papers—Each house shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

5. Printing of Bills and Resolutions—When any bill, memorial or resolution is ordered to be printed, a sufficient number of copies shall be printed for the use of both houses, and the quota for each house delivered to its Sergeant-at-Arms.

6. Documents Ordered Printed to Be Communicated to Each House—It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate, when any document is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

7. Notice of Rejection of Resolutions and Memorials—When any bill, joint resolution or memorial which shall have passed in one house is rejected in the other, notice of said rejection shall be given to the house which has passed the same.



8. Five Days' Notice and Consent of Two-Thirds Vote—When a bill, resolution or memorial which shall have been passed in one house is rejected in the other, it shall not again be introduced during the session without five days' notice and the consent of two-thirds of the members voting thereon.

9. Title and Number of Bills—The title of every bill shall briefly state its general object, and every bill shall be numbered by the Clerk; and the title thereof, and the name of the member or committee introducing the same, shall be indorsed thereon.

10. Journal to Give Title and Number of Bills—The journal of each house shall give the title and number of each bill, joint resolution or memorial, but the second and all subsequent reference shall be complete when referred to by its number.

11. Enrollment of Bills—When a bill has passed both houses it shall be duly enrolled by the Enrolling Clerk of the house in which it originated, and the fact of its origin shall be certified by the indorsement of the Clerk thereof.

12. Duties of Enrolling and Engrossing Clerks—The Enrolling and Engrossing Clerks of the two houses, under the direction of the presiding officer of each house, respectively, when not engaged in enrolling and engrossing bills, shall assist the several Select or Standing Committees.

13. Examination of Enrolled Bills—When bills are enrolled they shall be examined by a joint committee of three from the Senate and three from the House, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills make their report forthwith to their respective houses.

14. Signing of Enrolled Bills by Presiding Officers—Each enrolled bill shall be signed first by the presiding officer of the house in which it originated, and then by the presiding officer of the other branch of the Legislative Assembly, in the presence of their respective houses while in session.

15. Notice of Signing Bills to Be Given by Presiding Officer—Upon the presentation of an enrolled bill by the Enrolling Committee of either house to the presiding officer for his signature thereto, he shall arise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officer signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both houses.

16. Bills for Governor's Approval—After the bill shall have been signed in each house it shall be presented by the Joint Committee of Enrollment to the Governor for his approval, taking his receipt therefor, and said committee shall forthwith report to their respective houses the day and hour of presentation, which shall be entered upon the Journal of such house.

17. Memorials to Congress to Be Enrolled—All memorials to Congress, or to any officer or other authority of the government, after they shall have passed both houses, shall be enrolled, signed by the presiding officer of the respective houses, and shall be transmitted by the Chief Clerk of the house in which they originated to the President of the Senate, the Speaker of the House of Representatives, or to the authority memorialized, and a copy to our Senators and Representatives in Congress.

18. Joint Resolutions and Memorials to Be Filed with Secretary of State—Whenever a joint resolution or memorial shall have passed both houses of the Legislative Assembly an enrolled copy thereof, duly signed by the Speaker of the House of Representatives and the President of the Senate, shall be filed in the office of the Secretary of State by the Chief Clerk of the house in which the same originated.

19. Conference in Case of Disagreement Between Houses—In every case of disagreement between the Senate and House of Representatives, if either house requests a conference and appoints a committee for the purpose, the other shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their Chairman, and, having conferred freely, each shall report to their respective bodies the result of their conference.

20. Chairman of Joint Committees—In Joint Committees, standing or

special, the Chairman of the Senate Committee shall be Chairman of the Joint Committee.

21. Repealing of Joint Rules—No joint rules shall be repealed, amended or suspended except by a two-thirds vote in each house.

On motion of Graves, the House took a recess of twenty-five minutes.

11:50 A. M.

House resumed.

The Speaker in the chair.

Quorum present.

The honorable Senate appeared before the bar of the House, was received, and the House and Senate resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 14, 1893.

The members of the Senate and House of Representatives of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For W. A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For Samuel Mulville: A. F. Bray, The Speaker—2.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 24 votes.

William W. Dixon, 8 votes.

Samuel Mulville, 2 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:20 P. M.

House resumed.

The Speaker in the chair.

Quorum present.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred—

H. B. No. 1, A bill for an act relative to the appointment of special deputies, marshals or policemen by sheriffs, mayors and other persons authorized by law to make such appointments;

H. B. No. 2, A bill for an act regulating the hours of labor of stationary engineers and fixing penalties for violation thereof;

H. B. No. 5, An act appropriating money for the relief of Emily Swan and others therein named;

H. B. No. 3, A bill for an act prohibiting the bringing of private armed forces or bodies of men into the State of Montana;

H. B. No. 6, A bill for an act fixing the per diem and mileage of members of the Legislative Assembly of Montana;

H. B. No. 9, A bill for an act to amend Section 13 of "An Act Concerning Revenue," approved March 6, 1891;

H. B. No. 12, A bill to amend Section 475 of the Fifth Division of the Compiled Statutes of Montana;—would respectfully report the same back to the House as correctly printed.

WALKUP, Chairman.

On Monteath's motion, the report was received.

H. B. No. 1, above reported, was referred to the Committee on State Institutions.

H. B. No. 2, above reported, was referred to the Committee on Labor.

H. B. No. 5, above reported, was referred to the Committee on Ways and Means.

H. B. No. 3, above reported, was referred to the Committee on State Institutions.

H. B. No. 6, above reported, was referred to the Committee on Appropriations and Claims.

H. B. No. 9, above reported, was referred to the Committee on Appropriations and Claims.

H. B. No. 12, above reported, was referred to the Committee on Labor.

On motion of Graves, the House adjourned until 11 A. M. on Monday.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.



## FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 16, 1893.

House met pursuant to adjournment at 11 A. M.

The Speaker in the chair.

Roll called, and the following members answered to their names: Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitchen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker.

Absent—Davidson.

Prayer by the Chaplain.

Journal of the thirteenth day read and approved.

The following notices of the introduction of bills were given:

By Goodell—A bill to exempt certain hay from taxation.

By Bach—A bill entitled "An act appropriating money for the relief of Stephen Carpenter for services rendered the State of Montana."

Also, a bill entitled "An act appropriating money for the relief of William M. Blackford for services rendered the State of Montana."

By Scharnikow—A bill entitled "An act concerning building and loan associations."

By Tallant—A bill to amend an act entitled "An Act to Amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana Concerning School Bonds," approved March 14, 1889,

By Winter—A bill to repeal an act creating the office of Mineral Land Commissioners for the State.

Bach, Chairman of the Special Committee on Clerks and Employes of the House, made the following report:

*Mr. Speaker:* Your Committee on Clerks and Employes of the House, reports as follows:

After consulting with the Judiciary Committee, your special committee is of the opinion that the House is not yet in a position to elect any Stenographer or Journal Clerk, or any Committee Clerk. Section 28 of the Constitution provides that the Legislative Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized to any such person, except to an acting officer or employe elected or appointed in pursuance of law."

There is no law fixing the number of clerks, or providing for a Stenographer or Journal Clerk.

Your committee is informed that counting the Stenographer and Journal Clerk, there are at least eighteen clerks on the roll call at present—or one clerk for every three members of the House; and nearly one clerk for every committee. It will be seen from inspection that

every member of the House is on at least three committees; and as no member can be acting at the same time on more than one of the committees of which he is a member, it is apparent that many of the clerks now appointed would be idle much of the time. It is suggested by your committee that under Section 5, page 171, of the Laws of 1891, the House may, by rule or order, assign by its Chief Clerk any of the committee clerks hereafter mentioned.

Your committee is of the opinion that in addition to the clerks and employes mentioned in Section 2, page 170, Laws of 1891, there should be a Stenographer, a Journal Clerk, and seven committee clerks. Your committee has drafted a proposed act to regulate the matter and meet the present emergency, which proposed bill is hereto annexed as part of this report; and the committee recommends that the rules be suspended, that the act pass at once, and be referred at once to the Committee on Printing.

THOMAS C. BACH,

Chairman for the Committee.

On motion of Lockey, the report was received and ordered spread on the Journal.

On motion of Scharnikow, and by unanimous consent of the House, H. B. No. 30, "An act appropriating money to pay the officers and attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana," was introduced without previous notice. Read first and second times and referred to the Committee on Printing.

On motion of Scharnikow, by unanimous consent, H. B. No. 31, "An act to amend an act entitled A Bill for an Act to Prescribe the Duties and Compensation of the Officers and Employes of Each House of the Legislative Assembly," was introduced without previous notice. Read first and second times and referred to the Committee on Printing.

A. F. Bray, Chairman of the Committee on State Institutions, made the following report:

*Mr. Speaker:* Your Committee on State Institutions, to whom were referred House Bills Nos. 1 and 3, would respectfully report the same back to the House, and recommend that they be referred to the Committee on Labor.

The report was received and the Speaker referred House Bills Nos. 1 and 3 to the Committee on Labor.

Lockey, Chairman of the Committee on Ways and Means, made the following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 5, would respectfully report the same back to the House, and recommend that it be referred to the Committee on Appropriations and Claims.

The report was received and the Speaker referred the bill to the Committee on Appropriations and Claims.

On motion of Lockey, the House took a recess for ten minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable Senate appeared before the bar of the House, was

received, and the House and Senate resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 16, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Hoffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Wilson—19.

For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6.

For Samuel Mulville: A. F. Bray, The Speaker—2.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 24 votes.

William W. Dixon, 8 votes.

Samuel Mulville, 2 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Goddard, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

The following bills were introduced:

By Butler, H. B. N. 26—A bill for an act to create the County of Flathead, to define its boundaries and to provide for its organization and government. Bill read first and second times.



Lockey moved that the bill be referred to the Committee on Towns, Counties and Highways.

On motion of Kilgallon, Lockey's motion was laid on the table, and the bill was ordered printed.

By Lockhart, H. B. No. 27—A bill for an act to establish a Hospital for the Insane at or within two miles of Boulder, Jefferson County, State of Montana. Read first and second times and ordered printed.

By Carpenter, H. B. No. 28—An act to legalize and confirm the official acts of notaries public. Read first and second times and ordered printed.

By Tierney, H. B. No. 29—A bill for an act to amend Sections 790, 795, 796 and 808 of the Fifth Division of the Compiled Statutes of Montana. Read first and second times and referred to Committee on Printing.

By Scharnikow, H. B. No. 30—A bill for an act appropriating money to pay salaries of officers and attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana. Read first and second times at length, and referred to Printing Committee.

By Babcock, H. B. No. 32—A bill for an act to appropriate money for certain purposes and for certain persons therein named. Read first time at length; rules suspended, read second time by title and referred to Committee on Printing.

The following joint memorials were introduced:

By Monteath, H. J. M. No. 1—Praying Congress to enact such amendments to the Constitution and laws of the United States as will provide for the election of a United States Senator by direct vote of the people.

By Committee on Mines and Minerals, H. J. M. No. 2—Praying Congress for the passage of a law for the free coinage of silver.

Both of the foregoing memorials were read first and second times and referred to the Committee on Printing.

The following communication was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 14, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills have been introduced as follows:

By Cullen, S. B. No. 7—A bill for an act to create the County of Valley, to define its boundaries and provide for its organization.

By Power, S. B. No. 8—A bill for an act to create the County of Teton, to define its boundaries and to provide for its organization and the election of officers thereof.

By Gibson, S. B. No. 9—An act to establish the Agricultural College, a School of Mines and the State University and provide for the location of the same.

Notices of the introduction of bills were given as follows:

By Hoffman—A bill to establish departments and create a State Water Commission.

By Goddard—A bill for an act to amend Section 233 of the Fourth

Division, Criminal Laws, Compiled Statutes of Montana, and to repeal Chapter CII, of the Fifth Division, General Laws, Compiled Statutes of Montana, and to repeal an act of the Sixteenth Legislative Assembly of the Territory of Montana, entitled "An act to add a Section to Chapter CII of the Fifth Division, Compiled Statutes of Montana, relating to toll roads, toll bridges and toll ferry boats, approved March 13, 1889.

By Gibson—A bill for an act to amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana, concerning school bonds.

Also, a bill for an act to amend Sections 446, 467, 468 and 469 of Chapter XXV of the Fifth Division of the Compiled Statutes of Montana of 1887, in relation to the term of existence of corporations.

The Senate has concurred in the House resolution concerning the appointment of a committee to report concerning matters pertaining to the World's Fair Managers, and in accordance therewith, Senators Folsom and McDermott were appointed as such committee on the part of the Senate. Very respectfully,

DAVID MARKS, Secretary.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk,

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## SIXTEENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January '17, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were found present except Davidson.

Prayer by the Chaplain.

Journal of the fifteenth day read and approved.

The following notices of the introduction of bills were given:

By Bach—An act to amend an act entitled "An Act Concerning Savings Banks and Trust Deposits and Security Associations," approved March 9, 1887.

By Tallant—A bill entitled "An act concerning licenses."

By Swett—A bill to establish a Bureau of Agriculture, Labor and Industry, for the appointment of a Commissioner thereof and define his duties.

By Carpenter—A bill entitled "An act to extend the boundaries of Lewis and Clarke County."

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred House Bills Nos. 4, 7, 11, 13, 14, 15, 17, 25, 30, 31, report the same back as correctly printed.

WALKUP, Chairman.

On motion of A. F. Bray, the report was received and adopted.

The following communication was received from the Senate:

Helena, Montana, January 16, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Gibson, S. B. No. 10—A bill for an act to amend Sections 446, 467, 468 and 469 of Chapter XXV of the Fifth Division, Compiled Statutes of Montana of 1887, in relation to the term of existence of corporations.

By Hoffman, S. B. No. 11—A bill to establish departments and to create a State Water Commission, and to define the duties of each.

By Matts, S. B. No. 12—A bill for an act to provide for the appointment, terms of office, powers and duties of the State Board of Education.

By Cardwell, at the request of Buford, S. B. No. 13—A bill for an act to locate, establish and endow a State Normal School.

Power gave notice of a bill for an act to require railroads to construct and maintain suitable crossings and cattle guards across their tracks, and to punish violations of the same.

The following concurrent resolution was adopted by the Senate:

*Be it Resolved by the Senate, the House of Representatives concurring,* That the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives of the Third Session of the Legislative Assembly of the State of Montana is hereby constituted a Joint Committee for the purpose of considering the new Codes, and to recommend such action thereon as such committee may deem best.

Very respectfully,

DAVID MARKS, Secretary.

Bach moved that the House take a separate vote for United States Senator at 11:30 A. M. Motion carried.

The following bills were introduced:

By Winter, H. B. No. 33—A bill for an act to repeal an act to provide for a Mineral Land Commissioner. Read first and second times and referred to Committee on Printing.

By Bach, H. B. No. 34—An act appropriating money for the relief of William M. Blackford for services rendered the State of Montana. Read first and second times and referred to Committee on Printing.

Also, H. B. No. 35—An act appropriating money for the relief of Stephen Carpenter for services rendered the State of Montana.

By Goodell, H. B. No. 36—A bill for an act to exempt certain hay from taxation. Read first and second times and referred to Committee on Printing.

On motion of Bach, the Senate joint resolution transmitted from the Senate was concurred in by the House.

On motion of A. F. Bray, H. B. No. 31 was placed on general orders.

On motion of Lockey, the House took a recess of 25 minutes.

11:25 A. M.

House resumed.

The Speaker in the chair.



The House then took a *viva voce* vote for United States Senator, which resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Hoffman, Jeffers, Laurence, Leech, Lewis, Lockèy, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kiggallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup—7.

For Samuel Mulville: A. F. Bray, The Speaker—2.

For T. E. Collins: Beecher—1.

Absent—Davidson—1.

Wilbur F. Sanders receiving 26.

William A. Clark receiving 18.

William W. Dixon receiving 7.

Samuel Mulville receiving 2.

T. E. Collins receiving 1.

The Speaker referred H. B. No. 4 to the Committee on Towns, Counties and Highways.

H. B. No. 7 was referred to the Committee on Agriculture and Stock Growing.

H. B. No. 11 was referred to the Judiciary Committee.

H. B. No. 13 was referred to the Judiciary Committee.

H. B. No. 14 was referred to the Judiciary Committee.

H. B. No. 15 was referred to the Committee on Ways and Means.

H. B. No. 17 was referred to the Committee on Ways and Means.

H. B. No. 25 was referred to the Committee on Privileges and Elections.

H. B. No. 30 was referred to the Committee on Appropriations and Claims.

On motion of Monteath, the House took a recess of ten minutes.

11:45 A. M.

House resumed.

The Speaker in the chair.

The honorable Senate appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly to vote for United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 17, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Folsom and Gibson were paired,

Senators Brown and Buford were paired,

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Goddard, Hatch, Power, Swift—5.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson,

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## SEVENTEENTH DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 17, 1893.

The House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members present except Davidson,

Prayer by the Chaplain.

Journal of the sixteenth day read and approved.

The following notices of bills were given:

By Carpenter—A bill entitled "An act declaring an administrator, executor or guardian failing to render accounts or file reports required by law, guilty of a misdemeanor."

By Tallant—A bill to amend Section 15 of the Rules of Order of this House.

By C. H. Bray—A bill entitled "An act concerning compensation of County, District and Township officers."

By Fitschen—A bill for an act to create the office of Game and Fish Warden and to provide for his appointment and salary.

By Dudley—A bill entitled "An act to regulate the practice of pharmacy in the State of Montana."

Bonner, Chairman of the Committee on Labor, made the following report:

*Mr. Speaker:* Your Committee on Labor, to whom was referred H. B. No. 1, entitled "An act relative to the appointment of special deputies, marshals or policemen by sheriffs, mayors or other persons authorized by law to make such appointments," would respectfully report the same back to the House, and recommend its passage with accompanying amendments,

BONNER, Chairman.

On motion of Swett, H. B. No. 1 with accompanying amendments was placed on general orders.

The following bills were introduced:

By Fitschen, H. B. No. 37—A bill for an act to provide further protection to game, fur-bearing animals, birds and fish.

By Carpenter, H. B. No. 38—A bill for an act to extend the boundaries of Lewis and Clarke County.

By Goodell, H. B. No. 39—A bill for an act to provide for paying of bounties for the killing of certain stock-destroying animals.

And were read first and second times and referred to the Committee on Printing.

The following communications were received from the Senate:

SENATE CHAMBER,

Helena, Montana, January 17, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body, that the Committee on the Judiciary introduced S. J. R. No. 1, "Relating to immigration of paupers, criminals and dependent persons."

Bills were introduced as follows:

By Goddard, S. B. No. 14—A bill for an act to amend Section 233, Fourth Division, Criminal Laws, Compiled Statutes of Montana; and to repeal Chapter CII of the Fifth Division, General Laws, Compiled Statutes of Montana; and to repeal an act of the Sixteenth Session of the Legislative Assembly of Montana, approved March 13, 1889, entitled "An act to add a Section to Chapter CII of the Fifth Division, Compiled Statutes of Montana, relating to toll roads, toll bridges and toll ferry boats."

By Matts, S. B. No. 15—"A bill for an act to be entitled 'An act to amend Section 2024, Fifth Division, General Laws of the Compiled Statutes of Montana.'" Very respectfully,

DAVID MARKS, Secretary.



SENATE CHAMBER,  
Helena, Montana, January 18, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 2 has passed the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

The communications were received and ordered spread on the Journal.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for consideration of general orders. Swett in the chair.

11:30 A. M.

House resumed.

The Speaker in the chair.

Swett, Chairman of the Committee of the Whole, reported progress and asked leave to sit again.

On motion of Scharnikow, the House took a recess of fifteen minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable Senate appearing before the bar of the House, was received, and the House and Senate resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

IN JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 18, 1893.

The members of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The Secretary of the Senate and the Chief Clerk of the House read their respective Journals of the previous day, in regard to the vote taken for United States Senator.

Senators Gibson and Folsom were paired.

Senators Brown and Buford were paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Goddard, Hatch, Power, Swift—5.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huff-

man, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kiggallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Goddard, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker *pro tem.* in the chair.

Roll called—Quorum present.

On motion of Swett, the House resolved itself into a Committee of the Whole for the consideration of general orders, Swett in the chair.

2:40 P. M.

House resumed.

The Speaker in the chair.

Swett, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 31, report the same back with the following amendments, and recommend that it do pass as amended:

Strike out the word "fifteen" in line 19, section 2, and insert in lieu thereof the word "twenty."

Amend title by adding after last words of title, "Approved March 4, 1891."

Strike out all of section 5 next following line 13.

Strike out that portion of the amendment offered by Scharnikow as relates to extra compensation for the Speaker *pro tem.* of the House and President *pro tem.* of the Senate.

Add a new section to be numbered Section 3. This act shall take effect immediately.

Amend section 1 to read as follows:

Section 1. That section 2 of an act entitled "A Bill for an Act to Prescribe the Duties and Compensation of the Officers and Employes of Each House of the Legislative Assembly, approved March 4, 1891," shall be amended to read as follows:

Section 2. The officers and employes of the House of Representatives shall consist of a Speaker, Speaker *pro tem.*, Chief Clerk, Assistant Chief Clerk, Sergeant-at-Arms, Enrolling Clerk and an Engrossing Clerk, and the House may elect an Assistant Sergeant-at-Arms, a Journal Clerk, a Stenographer, one Doorkeeper, one Janitor, one Day Watchman, one Night Watchman, one Chaplain, fifteen Committee Clerks and four Pages.

Section 7 of said act shall be amended to read as follows:

Section 7. The Speaker of the House of Representatives shall be paid ten dollars per day in lieu of his per diem as a member of the House of Representatives. The President *pro tem.* of the Senate and Speaker *pro tem.* of the House shall be paid each eight dollars per day in lieu of his per diem as a member of the Legislative Assembly. The Secretary of the Senate and the Chief Clerk of the House of Representatives shall be paid each ten dollars per day. The Assistant Secretary of the Senate and the Assistant Chief Clerk of the House shall be paid each eight dollars per day. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House shall be paid each six dollars per day. The Assistant Sergeant-at-Arms of the Senate and the Assistant Sergeant-at-Arms of the House shall be paid each five dollars per day. The Engrossing and Enrolling Clerks of the Senate and the Engrossing and Enrolling Clerks of the House, and the Stenographer and Journal Clerk of the House shall be paid each six dollars per day. The Doorkeeper, Janitor, Day Watchman and Night Watchman of the House shall each be paid five dollars per day. The Chaplain and Pages of the Senate and the Chaplain and Pages of the House shall be paid each four dollars per day. The Committee Clerks of the Senate and the Committee Clerks of the House shall be paid each five dollars per day.

On motion of Bach, the report of the Committee of the Whole was adopted and the bill ordered engrossed.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole to consider general orders, Bach in the chair.

3:10 P. M.

House resumed.

The Speaker in the chair.

Bach, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 1, report the same back to the House with the following amendments, and recommend that the bill do pass as amended:

Amend the enacting clause by striking out the word "general" and insert in lieu thereof the word "legislative."

Section 1, line 5, strike out the words "two years" and insert the words "one year."

Section 1, line 6, strike out the words "one year" and insert the words "six months."

Section 2, line 8, after the word "person" insert the words "or persons."



Section 2, line 9, after the word "State" insert the clause "or who shall in anywise aid in bringing or import into this State."

Section 3, line 17, strike out the clause "more than three years and not less than one" and insert the clause "not less than one year nor more than three years."

Section 3, line 18, strike out the words "exceeding three hundred dollars (\$300.00)" and insert the words "less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) together with costs of prosecution."

Section 4, line 19, strike out the sentence "any and all parts of acts in conflict herewith are hereby repealed" and insert in lieu thereof the sentence "Any person, company or association who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years."

The following sections are recommended:

Section 5. All acts or parts of acts in conflict with this act are hereby repealed.

Section 6. This act shall take effect from and after its passage.

Amend line 1 by striking out the words "Section 1" before the word "be," and insert the words "Section 1" after the word "Montana" in line 1.

On motion of Swett, the report of the Committee of the Whole, with the amendments, was adopted, and the bill was referred to the Engrossing Committee.

S. B. No. 2 was referred to the Committee on Agriculture and Stock Growing.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,  
Helena, Montana, January 18, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of claims in the sum of \$16,331.81, which shows:

(a) The names of persons, companies or corporations to whom the State is indebted.

(b) The nature of the indebtedness or claim against the State.

(c) The amount of such indebtedness or claim.

(d) The amount approved by the Board.

(e) The total amount.

(f) The amount disallowed and the reason for disallowing the same.

(g) The reason why the same has not been paid.

Accompanying this statement are the bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,  
H. J. HASKELL,  
L. ROTWITT,  
Members State Board of Examiners.

The communication was received, and ordered spread upon the Journal.

The bills and vouchers accompanying the communication were referred to the Committee on Ways and Means.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 8, entitled An act to locate the State Prison, and to select a site therefor, and for the erection of a State Prison thereon;

H. B. No. 16, entitled An act to create the County of Bitter Root; to define its boundaries, and to provide for its organization;

H. B. No. 23, entitled An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana;

H. B. No. 28, entitled An act to legalize and confirm the official acts of the Notaries Public;

H. B. No. 29, entitled An act to amend Sections 790, 795, 796 and 808 of the Compiled Statutes of Montana;

H. B. No. 32, entitled A bill for an act to appropriate money for certain purposes therein named;

H. B. No. 34, entitled An act appropriating money for the relief of William M. Blackford, for services rendered the State of Montana;

H. B. No. 35, entitled An act appropriating money for the relief of Stephen Carpenter for services rendered the State of Montana;

H. B. No. 36, entitled A bill for an act to exempt certain hay from taxation.

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received, and the Speaker announced that he will refer the bills to appropriate committees on to-morrow.

On motion of Carpenter, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## EIGHTEENTH DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 19, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except Davidson.

Prayer by the Chaplain.

Journal of the seventeenth day read and approved.

The following notices of bills were given:

By Scharnikow—An act creating and defining the duties of a State Board of Medical Examiners.

Also, an act to locate the State Prison and provide for the management of the same.

Also, an act concerning the registration of electors.

Also, an act concerning revenue.

By Bray, A. F.—A bill for an act entitled “An act relating to the liability of employers to employes.”

By Truman—A bill relative to roads and highways, and the repeal of Chapter CI, from Sections 1796 to 1836, both inclusive, of the Fifth Division of the Revised Statutes of the State of Montana, approved March 9, 1887, and March 12, 1885.

On motion of Kilgallon, H. B. No. 1, now in the hands of the Engrossing Committee, was referred back to the Labor Committee.

On motion of Tallant, the word “or” between the words “five” and “seven” in the second line of Rule 15 of the House Rules was stricken out and the words “or nine” be added to said line after the word “seven.”

The following bills were introduced:

By Tallant, H. B. No. 40—A bill for an act concerning licenses.

Also, H. B. No. 41—A bill for an act to amend section 1 of an act entitled “An Act to Amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana Concerning School Bonds,” approved March 14, 1889.

By Ash, H. B. No. 42—A bill to provide for the State Normal School to be located at Livingston, Montana.

House Bills Nos. 40, 41, 42 were read first and second times and referred to the Printing Committee.

By Babcock, H. B. No. 43—An act to appropriate money for certain ordinary expenses of the State government and for the purposes therein specified for the fiscal years ending December 1, 1893, and December 1, 1894. Read first and second times at length and referred to the Printing Committee.

By Carpenter, H. B. No. 44—An act declaring an administrator, executor and guardian failing to render accounts or file reports required by law guilty of a misdemeanor. Read first and second times and referred to the Committee on Printing.

By Swett, H. B. No. 45—A bill for an act to establish a Bureau of Agriculture, Labor and Industry, and provide for the appointment of a commissioner thereof, and define his duties. Read first and second times and referred to the Printing Committee.

By Fitschen, H. B. No. 46—A bill for an act to create the office of Game and Fish Warden and provide for his appointment and salary. Read first and second times, and referred to Committee on Printing.

By C. H. Bray, H. B. No. 47—An act to amend an act entitled An act concerning compensation of County, District and Township Officers. Read first and second times and referred to the Committee on Printing.

By Van Cleve, H. J. M. No. 3—Praying Congress for the passage of United States S. B. No. 2373, for an act to amend Sections 2474 and 2475 of the Revised Statutes of the United States was read, and on motion of Van Cleve, the rules were suspended and the Memorial was placed on general orders.

Smalley, Chairman of the Committee on Towns, Counties and Highways, made the following report:



*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 4, An act to create the County of Valley, to define its boundaries and perfect its organization, would respectfully report that the bill pass with the following amendments:

Section 7. In line 3, strike out the name O. D. Polley and insert the name E. D. Colman. In line 4, strike out the name T. W. Enright and insert the name J. L. Truscott. In line 5, strike out the name Walter S. Collins and insert the name Charles Bartlett. In line 11, strike out the name Charles Bartlett and insert the name O. D. Polley. In line 13, strike out the name C. W. Campher, and insert the name Julius Peterson. In line 14, strike out the name Walter Hurd, and insert the name William Beary. In line 15, strike out the name Joseph Conroy and insert the name George Hayden.

On motion, the report of the committee was adopted.

By Wilson—*Mr. Speaker:* Your Committee on Engrossment return herewith H. B. No. 31 correctly engrossed.

WILSON, Chairman.

By Walkup—*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 26, entitled "An act to create the County of Flathead, to define its boundaries and provide for the organization and government thereof," and House Joint Memorials Nos. 1 and 2, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The reports were received and ordered spread on the Journal.

H. B. No. 4 was, on motion, placed on general orders.

H. B. No. 31 was read the third time and, on motion of Scharnikow, referred back to the Engrossing Committee for correction.

The Speaker referred H. B. No. 26 to the Committee on Towns, Counties and Highways, and House Joint Memorials Nos. 1 and 2 to the Judiciary Committee.

The Speaker referred the following bills as follows:

H. B. No. 36 to the Judiciary Committee.

H. B. No. 35 to the Committee on Appropriations and Claims.

H. B. No. 34 to Committee on Appropriations and Claims.

H. B. No. 8 to Committee on State Institutions.

H. B. No. 16 to Committee on Towns, Counties and Highways.

H. B. No. 23 to Committee on State Institutions.

H. B. No. 28 to Committee on Judiciary.

H. B. No. 29 to Committee on Towns, Counties and Highways.

H. B. No. 32 to Committee on Appropriations and Claims.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for the consideration of general orders, Lewis in the chair.

11:35 A. M.

House resumed.

The Speaker in the chair.

Lewis, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. J. M. No. 3, report the same back and recommend that it do pass as read.

On motion, the report was adopted.

On motion of A. F. Bray, the House took a recess of 15 minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved itself into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 19, 1893.

The members of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana was called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were paired indefinitely.

A ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For Wm. W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 P. M.

## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair,

Quorum present,

House Joint Memorial No. 3 was referred to the Engrossing Committee.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for the consideration of general orders, Monteath in the chair.

2:30 P. M.

House resumed.

The Speaker in the chair.

Monteath, Chairman of the Committee of the Whole, having had H. B. No. 4 under consideration, reported the same back to the House with the recommendation that it be referred to the Judiciary Committee.

The report was adopted and H. B. No. 4 was referred to the Judiciary Committee.

Van Cleve, Chairman *pro tem.* of the Engrossing Committee, made the following report:

*Mr. Speaker:* The Committee on Engrossment would respectfully beg leave to report back H. B. No. 31 as correctly engrossed.

H. B. No. 31 was placed on file for third reading.

Bonner, Chairman of the Committee on Labor, made the following report:

*Mr. Speaker:* Your Committee on Labor, to whom was referred H. B. No. 1, beg leave to report the same back as amended, with the recommendation that it do pass.

H. B. No. 1 was placed on general orders.

On motion of Swett, the House resolved itself into a Committee of the Whole for the consideration of general orders, Lewis in the chair.

12:50 P. M.

House resumed.

The Speaker in the chair.

Lewis, Chairman of the Committee of the Whole, having had H. B. No. 1 under consideration, reported the same back to the House with the recommendation that it do pass as amended.

On motion of Lewis, the report was adopted.

H. B. No. 1 was referred to the Engrossing Committee.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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NINETEENTH DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 20, 1893.

House met pursuant to adjournment at 10 A. M.



The Speaker in the chair.

Roll called, and all members were found present except Davidson.

Prayer by the Chaplain.

Journal of the eighteenth day read and approved.

The following notices of the introduction of bills were given:

By Lockey—A bill entitled An act creating the office of a Commissioner of Immigration, and to define his duties.

Also, a bill entitled An act defining a felony.

By Committee on State Institutions, A. F. Bray, Chairman—A bill for an act to locate, establish and support certain State Institutions.

By Murphy—A bill to amend Section 1480, Revised Statutes of the State of Montana.

By Graves—A bill to regulate the liability of hotel keepers, to provide for the inspection of hotels and inns, and to require fire escapes therein; to provide for liens of hotel keepers upon baggage of guests, and to punish hotel swindlers and those guilty of fraud and imposition.

Reports of Standing Committees:

Sappington, Chairman of Committee on Agriculture and Stock Growing, made the following report:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred S. B. No. 2, beg leave to report the same back as it stands, and recommend that it do pass.

Report of Standing Committees:

S. B. No. 2 was placed on general orders.

Wilson, Chairman of Committee on Engrossment, made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg to report H. B. No. 1 and H. J. M. No. 3 correctly engrossed.

H. B. No. 1 and H. J. M. No. 3 were placed on file for third reading.

Babcock, Chairman of Committee on Appropriations and Claims, made the following report:

*Mr. Speaker:* We, your Committee on Appropriations and Claims, to whom was referred H. B. No. 5, entitled "An act appropriating money for the relief of Emily Swan and others therein named," have given the same consideration, and herewith report the same back with the recommendation that the same do pass.

H. B. No. 5 was placed on general orders.

Bach, Chairman of Judiciary Committee, made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. J. M. No. 1, praying Congress to amend the Constitution and laws of the United States so that they will provide for the election of United States Senator by direct vote of the people; H. J. M. No. 2, praying for the passage of a law for the free coinage of silver; H. B. No. 11, having no title, and H. B. No. 18, an act to appropriate money for certain purposes and for certain persons therein named, beg leave to report the same back to your honorable body as follows, to-wit:

We recommend that House Joint Memorials numbered 1 and 2 be referred to the Committee on Federal Relations,

That H. B. No. 11 be referred to the Committee on Incorporations and Manufactures, and that the said committee provide and insert a title to the same.

That H. B. No. 18 be referred to the Committee on Appropriations and Claims, with instructions to said committee to introduce separate bills for each and every item therein.

THOMAS BACH, Chairman,

House Joint Memorials Nos. 1 and 2 were referred to the Committee on Federal Relations.

H. B. No. 11 was referred to the Committee on Incorporations and Manufactures.

H. B. No. 18 was referred to the Committee on Appropriations and Claims.

Smalley, Chairman of the Committee on Towns, Counties and Highways, made the following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 16, to create the County of Bitter Root, to define its boundaries and perfect its organization, would respectfully recommend its passage with the following amendments: In line 4 strike out the name B. F. Chaffin and insert the name B. S. Chaffin. In line 5 strike out the name R. Gwinn and insert the name Abe Mettower. In line 6 strike out the name James Morris and insert the name Thomas H. Irvin. In line 8 strike out the name J. K. Squires and insert the name R. Gwinn. In line 9 strike out the name J. R. McLaren and insert the name Charles Johnson. In line 10 strike out the name William Teidt and insert the name John H. Simpson. In line 12 strike out the name Robert O'Hara and insert the name L. J. Knapp. In line 16 strike out the name J. S. Simpson and insert the name J. W. Lancaster, and strike out all of Section 6 and insert in lieu thereof, to be numbered:

Section 6. Who shall have the same powers, duties and privileges as are by law conferred upon like officers in other counties in this State, and who shall be entitled to receive the same salaries and fees as are now fixed by law for like officers in other counties in the State: *Provided*, however, that such salaries shall not commence until said officers shall enter upon the discharge of their duties and shall have qualified according to law.

H. B. No. 16 was placed on general orders.

The following bills were introduced:

By Truman, H. B. No. 48—A bill relative to Roads and Highways, and repeal of all of Chapter CI from Section 1796 to 1836, both inclusive, of the Fifth Division of the Revised Statutes of the State of Montana. Approved March 9, 1877, and March 12, 1885. Read first and second times and referred to the Committee on Printing.

By C. H. Bray, H. B. No. 49—An act providing for the establishment and maintenance of the State Reform School. Read first time, and on motion of C. H. Bray, rules were suspended, and bill read second time by title and referred to the Printing Committee.

Message from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 19, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Gibson, S. B. No. 16—An act to amend an act entitled, An act to amend Section 1930 of the Fifth Division of the Compiled Statutes of Montana concerning school bonds.

Also, S. B. No. 17—An act to amend an act for the better protection of fish and game.

Notices of the introduction of bills were given as follows:

By Gibson—A bill for an act to authorize a State Board of Charities and Reform, and define its duties.

Also, a bill for an act to provide for the creation of the office of Game and Fish Commissioner.

Also, a bill for an act relating to certain contracts for the conditional sale, lease or hire of railroad and street railway equipment and rolling stock, for providing for the recording thereof.

By Hatch—A bill for the location of the State Normal School at Livingston.

By Goddard—A bill for an act to create the offices of Deputy State Treasurer, Deputy State Auditor and Stenographer of the Supreme Court, to define the duties and fix the compensation of such offices.

The following concurrent resolution has been adopted by the Senate:

*Be it Resolved by the Senate, the House of Representatives concurring,* That the Secretary of State be and is hereby authorized and directed to cause to be printed and distributed two thousand copies of the Governor's message. Very respectfully,

DAVID MARKS, Secretary.

The communication was received and ordered spread on the Journal of the House,

On motion of Swett, the resolution was concurred in.

H. B. No. 31 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bonner, Bray, C. H., Burns, Butler, Coder, Fitschen, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Logue, Loring, Losee, McKay, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Talant, Truman, Van Cleve, Ward, Walkup, Wilson, Winter, The Speaker—37.

Noes—Bach, Beecher, Burrell, Burke, Lockhart, McDonel, Martin, Sappington, Tierney, Wahle—11,

Not voting and absent—Babcock, Benson, Carpenter, Davidson, Dudley, Fitzgerald, Fleming—7.

Title agreed to.

H. B. No. 1 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves,



Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—51.

Noes—None.

Not voting—Burrell, Davidson, Murphy, Rose—4.

Title agreed to.

On motion of Scharnikow, the House took a recess of five minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable Senate appeared before the bar of the House, was received by the House, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES, Helena, Montana, January 20, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were paired indefinitely.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Goddard, Folsom, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Leech, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:10 P. M.

House resumed.

Tallant offered the following motion:

*Mr. Speaker:* To-day being the day set for the funeral of ex-President of the United States Rutherford B. Hayes, I hereby move that out of respect to the memory of this eminent American citizen the House of Representatives of the State of Montana do now adjourn for the day,

Motion adopted and the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## TWENTIETH DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 21, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and the following members were present: Annear, Ash, Babcock, Bach, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter and The Speaker.

Absent—Beecher, Davidson, Laurence, Lewis.

Prayer by the Chaplain,

Journal of the nineteenth day read and approved.

The following notices of the introduction of bills were given:

By Tierney—A bill for the creation of the County of Broadwater, to define its boundaries and provide for its organization.

By Losee—A bill entitled "An act to create a lien for the service of stock horses and to protect agricultural and racing associations."

By Scharnikow—An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices; to regulate the manner of holding elections, and to enforce the secrecy of the ballot.

By Coder—A bill for the amendment of the registration and ballot law:

On motion of Burrell, the rules were suspended and H. J. M. No. 3 was considered engrossed and placed on file for third reading.

### Reports of Standing Committees:

The Committee on Ways and Means made the following report:

*Mr. Speaker:* Your Committee on Ways and Means direct me to report that they have considered House Bills Nos. 15 and 17, and recommend that the same be referred to the Judiciary Committee; also, Deficiency Bill No. 4, and recommend that the same be referred to the Committee on Appropriations and Claims.

LOCKEY, Chairman.

House Bills Nos. 15, 17 and 4 were so referred.

By Walkup—*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 24, "An act to establish departments and to create a State Water Commission, and to define the powers of each";

H. B. No. 27, entitled "An act to establish a Hospital for the Insane";

H. B. No. 33, entitled "An act to repeal an act to provide a Mineral Land Commissioner for the State of Montana, to define his duties and provide for his compensation and expenses";—would respectfully report the same as having been correctly printed.

H. B. No. 24 was referred to the Committee on Irrigation.

H. B. No. 27 was referred to the Committee on State Institutions.

H. B. No. 33 was referred to the Committee on Federal Relations.

By Babcock—*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 30, have given the same consideration, and recommend the amendment to Section 1, in line 1, as follows; Strike out the word "twenty" and insert the word "eighteen" in lieu thereof.

We herewith return the same with recommendation that the bill do pass as amended:

BABCOCK, Chairman.

The report was received and H. B. No. 30 was placed on general orders.

The select committee appointed to ascertain what appropriations would be necessary for the Board of World's Fair Commissioners made the following report:

*Mr. Speaker:* Your Joint Committee appointed to investigate and report as to the amount of appropriation deemed necessary for the World's Fair Managers for Montana to complete its labors and make a creditable display at the World's Columbian Exposition beg leave to report as follows:

Your committee was waited upon by the Board in session at Helena, who submit an estimate and short statement as follows:

#### ESTIMATE OF EXPENSES OF BOARD OF WORLD'S FAIR MANAGERS FOR THE STATE OF MONTANA TO COMPLETE, DISPLAY AND INSTALL EXHIBIT.

For printing and advertising in regular pamphlet form, including statistics.....	\$15,000 00
Printing and publishing Souvenir Books.....	10,000 00
	<hr/>
	\$25,000 00



## AGRICULTURE.

Expense of installing Agricultural Exhibit.....	\$2,797 00
Freight of Agricultural Exhibit .....	864 00
Transfer from cars .....	75 00
Three attendants for six months .....	2,160 00
Expenses and special freight on shipments during season.	650 00
Switching charges.....	36 00
	<hr/>
	\$6,582 00

## MINERALS.

Cost of installation, pavilion, show cases, shelving .....	\$7,020 00
Attendants during Fair, police and employes.....	3,000 00
Freight .....	364 00
Transfer from cars.....	225 00
Switching charges.....	36 00
Reboxing and shipment.....	864 00
Transfer from cars.....	225 00
	<hr/>
	\$12,234 00

## LIVE STOCK EXHIBIT.

Freight on three cars stock.....	\$432 00
Switching charges.....	18 00
Care of stock for six months.....	1,200 00
Feed .....	325 00
Return freight.....	432 00
	<hr/>
	\$2,407 00

## EDUCATIONAL EXHIBIT.

Installation .....	\$1,625 00
Work in arranging.....	430 00
Railroad fare.....	114 00
Attendants .....	1,800 00
Freight .....	144 00
Switching .....	6 00
Packing in transfer.....	55 00
Boxing and reboxing.....	225 00
Return freight.....	144 00
	<hr/>
	\$4,543 00

## HORTICULTURE.

Freight .....	\$75 00
Installation .....	250 00
Attendants .....	600 00
Shipments during season and collection.....	55 00
	<hr/>
	\$1,475 00

## TIMBER EXHIBIT.

Installation .....	\$75 00
Cost, original.....	575 00
Freight.....	144 00
Transfer .....	30 00
Attendants .....	600 00
	<hr/>
	\$1,424 00

## SALARIES OF OFFICERS.

Secretary, one year.....	\$2,000 00
President, one year.....	1,000 00
Treasurer, one year.....	500 00
Executive Commissioner, one year.....	3,000 00
Per diem of members.....	3,820 00
Expense of assistance to Executive Commissioner.....	2,500 00
	<hr/>
	\$12,820 00

## PER DIEM OF MEMBERS.

Reckoned as four meetings in Chicago, nine days consumed in each meeting — twenty-two members at five dollars per day.

Ladies' department .....	\$6,500 00
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## EXPENSE OF MONTANA STATE BUILDING.

Furniture .....	\$5,000 00
Attendants .....	1,800 00
Lighting .....	225 00
Water .....	300 00
Removal of building.....	1,200 00
Sodding .....	270 00
	<hr/>
	\$8,795 00

## MISCELLANEOUS EXPENSES.

Observance of Montana Day.....	\$1,250 00
Telegrams, messenger service, painting and repairs of fixtures .....	375 00
Extra service in forwarding exhibits during year.....	400 00
Typewriting and clerical help, including postoffice service in State building .....	850 00
Flags and decoration.....	225 00
Electroliers and lights.....	450 00
Gas for fuel .....	100 00
Grading of walks .....	75 00
Postage and stationery.....	360 00
	<hr/>
	\$4,085 00

## RECAPITULATION.

Printing .....	\$25,000 00
Agricultural exhibit .....	6,582 00
Mineral .....	12,234 00
Live stock .....	2,407 00
Educational .....	4,543 00
Horticulture .....	1,475 00
Timber .....	1,424 00
Ladies' department .....	6,500 00
Salaries of officers .....	12,820 00
Furnishing State building .....	8,795 00
Miscellaneous expenses .....	4,085 00
Total .....	<hr/> \$85,865 00

In view of the fact that the amount required to complete the work commenced by the State Board of World's Fair Managers is large, and that the sum already spent is considerable, it is only reasonable to ask what benefit will the State derive from the expenditure of so much money. Before answering the question it would be well for us to remember that at no time has there ever been any effort upon the part of the people of the State to induce immigration.

Under our laws there is not a bureau or officer charged with the duty of presenting the claims of our State as a place where homeseekers and those wishing investments may find that for which they look. To a large part of the people of the world Montana is a country covered with endless prairies and is a desert, so far as agricultural products are concerned. It will be remembered that this impression is only natural, since only a few years ago school books referred to this part of the United States as the "Great American Desert." To correct the general prevailing idea in the minds of those in the East and in Europe who would be glad to exchange their present place of abode will be one of the effects of having an adequate and attractive display at the World's Columbian Exposition. Remembering that we have sought by the free use of printer's ink to impress the outside public of the extent and value of our resources now is the most suitable time for doing so, at a comparatively small cost. By an adequate display we can reach many thousands who would be impressed in no other way so forcibly. The other States in the Union seem to be aware of this fact, and have already appropriated much more than we now ask for, together with what has already been given.

The matter of inducing immigration is one of more importance to a thinly populated State, having almost unlimited natural advantages, than to a State where the resources are well under way toward development, and where the population is large and nearly adequate to the resources. By referring to the action taken by other States it will be seen that this State is not doing more than others. After the Centennial Exposition there was a rapid increase of population in those States making a good showing of their resources therein. Mindful of this fact the Legislature of Colorado has already appropriated \$100,000, and expect to have another appropriation of a like amount.



California has placed at the disposal of the Board of World's Fair Commissioners \$300,000.

Kansas has raised \$100,000 by subscription, and the Legislature is expected to appropriate \$100,000.

Minnesota has raised \$50,000 by subscription, and the Legislature has appropriated an equal amount.

Nebraska has already spent \$50,000 and will expend \$100,000 more.

South Dakota will have \$75,000 and Washington, in the west, has already \$100,000, and think they will get an equal amount from the present Legislature. In the latter State the State building was donated by the lumbermen of the State, and a large amount of money has been raised by private subscription.

If the example of other States is any criterion by which to judge of the work done by our own Board it will be found that the work has been done economically and with a view of obtaining the best results from the smallest expenditure of money.

Again, it may be urged that from the exhibit made there will be much returned to the State of great value to the various State schools, which will ere long be established.

The mineral exhibit will be worth thousands of dollars to the School of Mines. The botanical display will be of much value to an Agricultural College, while the rest of the exhibit can be kept at some central point in the State, and will be a constant source of information to the homeseeker and the immigrant.

We have already commenced the work of advertising the State, and if as good results follow as we anticipate the money asked for will be well spent.

So far as the work already done is concerned, we have collected about thirty-five tons of mineral, which embrace almost every useful mineral known. Our agricultural collection embraces the products of our farms to the extent of about eight tons, while in the horticultural and other departments the work has been equally successful. No pains have been spared in making the collection, and at this time the Board is confident that the Montana visitor at the Fair will be proud of his State and satisfied with the work done.

Your committee further report that a detailed and lengthy explanation was made of the different items sent out in the statement. After due consideration, we believe the estimates of the cost of the agricultural and mineral exhibits properly installed are not overestimated, and would recommend as elaborate an exhibit in these two very important of Montana's industries as the appropriation made will permit. And as to the estimates of other exhibits, we find that they are not large and would suggest that the propriety of making any of these as separate exhibits should be determined in the judgment of the Board according to the amount and character of the exhibits offered. The exhibits in the ladies' department, we are informed, will be very fine, and deem their estimate very reasonable.

To furnish the State building properly will entail an expense of about the amount estimated. We believe, however, that the estimates for printing and salaries of officers are in excess of what is actually

necessary, and recommend that the expense for salaries be curtailed, except as to the Executive Commissioner and Secretary.

Your committee would, therefore, recommend an appropriation of \$75,000, one-half to be made available at once, and the other half on May 1, 1893.

A. L. BABCOCK,  
E. SCHARNIKOW,  
A. F. BRAY,

House Joint Committee.

The report was received and ordered spread on the Journal of the House, and on motion of Lockey, 500 copies of the report were ordered printed.

The following bills were introduced:

By Lockey, H. B. No. 51—An act defining a felony.

By Burns, H. B. No. 52—An act to create the County of Bear Paw, define its boundaries and provide for its organization and election of officers thereof. Read first and second times and referred to Printing Committee.

By Scharnikow, H. B. No. 53—An act appropriating money for the purpose of making a display at the World's Columbian Exposition. Read first and second times and referred to Printing Committee.

Also, H. B. No. 54—An act appropriating certain moneys for the care and keeping of State convicts.

Also, H. B. No. 55—An act appropriating certain moneys for Conley and McTague for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana.

Also, H. B. No. 56—An act appropriating certain moneys for the payment of repairs and improvements made upon the State Prison buildings by authority of the Board of State Prison Commissioners.

Also, H. B. No. 57—An act appropriating certain moneys for Mitchell and Mussigbrod for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana.

Also, H. B. No. 58—An act appropriating money for services rendered by William J. Kennedy as Clerk of the Supreme Court from November 8, 1889, to March 7, 1891.

House Bills Nos. 55, 56, 57, 58 were read first and second times and referred to Committee on Printing.

By Bach, H. B. No. 59—An act to amend an act entitled "An Act Concerning Savings Banks, Trust Deposits and Surety Associations," approved March 9, 1887. Read first and second times and referred to the Committee on Printing.

The following communication was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 20, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Gibson, S. B. No. 18—A bill for an act to authorize a State Board of Charities and Reform, and to define its duties.

Also, S. B. No. 19—An act relating to certain contracts for the conditional sale, lease or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.



By Hatch, S. B. No. 20—A bill for an act to provide for a State Normal School, to be located at Livingston, Montana.

By Goddard, S. B. No. 21—A bill for an act for the appointment of a Deputy State Auditor.

Also, S. B. No. 22—A bill for an act providing for the appointment of a Deputy State Treasurer.

By Cullen, S. B. No. 23—A bill for an act establishing the Soldiers' Home for the State of Montana, providing for the management thereof and making appropriation therefor.

Hatch gave notice of a bill for the readjustment of the boundary line between Park and Yellowstone Counties.

Very respectfully,

DAVID MARKS, Secretary.

H. J. M. No. 3 was read the third time, placed upon its final passage and passed by the following vote:

Ayes—Ash, Babcock, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Leech, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—47.

Noes—None.

A. F. Bray moved that when the House adjourn, it adjourn until Monday at 11 A. M.

11:50 A. M.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 21, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Hoffman and Power were paired.

Senators Cullen and Goddard were paired.

Senators Brown and Buford were paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Hatch, Swift—4.

For William A. Clark: Cardwell, McDermott, Steele—3.

For W. W. Dixon—Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

In the House the following pairs were announced: Lewis and Beecher, Annear and Truman, Laurence and Wahle.

The ballot of the House resulted as follows:



For Wilbur F. Sanders: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Leech, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—23.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Wilson—16.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 27 votes.

William A. Clark, 19 votes.

William W. Dixon, 11 votes.

T. E. Collins, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

House resumed.

The Speaker in the chair.

H. J. M. No. 2 was placed on its final passage, and on motion of Graves, referred back to the Committee on Mines and Minerals with instructions that they should draft a memorial showing that the U. S. Senate had already passed a free coinage bill and memorialize the House of Representatives to do likewise.

On motion of Scharnikow, the House adjourned.

THOMAS MATTHEWS, Speaker,

Attest: HENRY J. MEILI, Chief Clerk.

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## TWENTY-SECOND DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 23, 1893.

House met pursuant to adjournment at 11 A. M.

The Speaker in the chair.

Roll called and the following members were found present: An-  
near, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F. Bray,  
Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen,  
Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon,  
Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel,  
Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley,  
Swett, Tallant, Tierney, Truman, Ward, Walkup, Wilson, Winter,  
The Speaker—47.

Absent—Ash, Davidson, Huffman, Laurence, McKay, Scharnikow,  
Van Cleve, Wahle—8.

Prayer by the Chaplain.

Journal of the twentieth day read and approved.

The following notices of the introduction of bills were given:

By Lockey—A bill for an act requiring School Trustees in cities and towns to give official bonds.

Also, a bill to amend Section 1908 of the Fifth Division of the Revised Statutes.

Also, a bill to amend Section 2 of "An Act Concerning Revenue," approved March 6, 1891.

Also, a bill for an act fixing the qualifications of electors upon questions authorizing the raising of money.

Also, a bill for an act relating to appeals from Boards of County Commissioners and Boards of Equalization.

Also, a bill to amend Sections 58 and 59 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

Also, a bill to amend Sections 98, 99, 100, 101, 102, 105, 107 and 121 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

Also, a bill to amend Section 1898 of the Fifth Division of the Revised Statutes.

By A. F. Bray—A bill for an act entitled "An act to segregate a portion of Townships 3 and 4, N. R. 7 west of the Principal Meridian, from Jefferson County, State of Montana, and add the same to Silver Bow County, State of Montana."

By Annear—An act to amend an act entitled "An Act Concerning the Storage of Gunpowder and Other High Explosives," approved March 1, 1883, and for the better protection of cities, towns and villages.

The following reports of standing committees were offered:

By Bach, Chairman of Judiciary Committee:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 4, for "An act to create the County of Valley, to define its boundaries and provide for its organization," beg leave to report the same back to your honorable body as follows:

We recommend that Section 2 of that bill be amended by substituting the following:

Section 2. That the indebtedness of Dawson County, as the same shall exist on the first day of March, 1893, shall be apportioned between the County of Dawson and the County of Valley, by first deducting from said indebtedness the amount of all moneys on hand and all moneys belonging to said Dawson County, and also deducting the value of all real and personal property within and belonging to said County of Dawson, on said first day of March, 1893, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in each of said counties, said amount of taxable property to be ascertained and said apportionment and valuation of county property to be made by a commission consisting of the Boards of Dawson and Valley Counties and George R. Milburn, Judge of the Seventh Judicial District of the State of Montana, which said commission shall meet at the Court House in the town of Glendive on the 15th day of March, 1893, and shall take as the standard of such apportionment of indebtedness the assessment for the year 1892, as determined by the Board of Equalization of said County of Dawson.



That Section 3 of said bill be amended by substituting the following:

Section 3. If, upon the adjustment of such indebtedness, it shall be found that the said County of Valley should assume and pay any amount of the same, it shall be the duty of the County Commissioners of said County of Valley to cause to be made out and delivered to the County Commissioners of Dawson County warrants on the county fund in the sum of one thousand dollars each and fraction thereof, if such there be, for the amount found to be due, which said warrants, upon presentation, shall be endorsed by the Treasurer of said Valley County "Not paid for want of funds," and shall thereafter draw interest as other county warrants.

That section 4 of said bill be amended by striking out of line three thereof the words "except to organize said body."

That section 4 be amended by inserting after the word "sections" in line 4 thereof the words "2 and."

The report was received and H. B. No. 4 was placed on general orders.

By Kilgallon, Chairman of Committee on Mines and Minerals:

*Mr. Speaker:* Your Committee on Mines and Minerals, to whom was referred H. J. M. No. 2, beg leave to report the same back with the following amendments:

Amend title by striking out the word "Congress" and insert the words "the House of Representatives."

Line 3, strike out the word "parity" and insert the word "ratio" in lieu thereof.

Line 4, after the word "equal" insert the words "on such ratio."

Line 19, strike out the words "an equal parity" and insert in lieu thereof the words "the ratio hereafter suggested."

Line 20, strike out the words "An act of Congress" and insert in lieu thereof the following: "Senate Bill No. 51, which passed the Senate July 1, 1892."

The report was received, and on motion of Monteath, the rules were suspended and H. J. M. No. 2 referred to the Committee on Engrossing.

The following bills were introduced:

By Graves, H. B. No. 60—An act to regulate the liability of hotel keepers, and to provide for the inspection of hotels and inns, and to require fire escapes therein, and to provide for liens of hotel keepers upon the baggage of guests, and to punish hotel swindlers and those guilty of fraud and imposition. Read first and second times and referred to the Printing Committee.

By Lockey, H. B. No. 61—An act to provide for the office of Commissioner of Immigration, and to define his duties and to make an appropriation to pay expenses thereof. Read first and second times and referred to the Printing Committee.

On motion of Carpenter, the House took a recess of ten minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House,



was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator,

JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 23, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The following Senators were announced as being paired: Hoffman and Power, Cullen and Goddard, Brown and Buford.

A ballot of the Senate was taken on United States Senator which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Hatch, Swift—4.

For William A. Clark: Cardwell, McDermott, Steele—3.

For W. W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

In the House the following pairs were announced: Laurence and Wahle, Ash and Van Cleve, McKay and Scharnikow.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Leech, Lewis, Lockey, Losee, Metzel, Monteath, Rose, Swett, Tallant, Winter—23.

For William A. Clark: Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Tierney, Truman, Wilson—15.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 27 votes.

William A. Clark, 18 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Cardwell, the joint session dissolved.

12:10 P. M.,

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

The following communications were received from the Senate:

SENATE CHAMBER,

Helena, Montana, January 21, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body, that S. B. No. 8 has passed the Senate, and the same is herewith transmitted.

The following has been adopted by the Senate:

*Resolved by the Senate, the House concurring,* That there be added to the Joint Rules the following:

Rule 22. After either House has received notice that notice of the introduction of a bill has been given or a bill introduced without notice in the other, no bill with the same title, or of the same tenor and effect, shall be introduced in the House receiving such notice from the other. Very respectfully,

DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the further consideration of S. B. No. 15 was indefinitely postponed.

Bills were introduced as follows:

By Matts, S. B. No. 24—"A bill for an act entitled 'An act to amend an act to provide an index to district court records, and providing for keeping the same,' approved February 23, 1891."

By Steele, S. B. No. 25—"A bill for an act entitled 'An act authorizing a change of the channel of the Missouri River at Ox Bow Bend.'"

Power gave notice of a bill entitled an act to amend an act entitled "An Act Concerning Savings Banks and Trust Deposits and Security Associations."

Very respectfully,

DAVID MARKS, Secretary.

The messages were received and ordered spread on the Journal.

On motion of Tallant, the Senate joint resolution adding Rule 20 to the Joint Rules was referred to the Committee on Joint Rules.

S. B. No. 8—An act creating the County of Teton, defining its boundaries and providing for the organization thereof. Read first and second times and referred to the Committee on Towns, Counties and Highways.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for the consideration of general orders, Logue in the chair.

3:45 P. M.

House resumed.

The Speaker in the chair.

Logue, Chairman of the Committee of the Whole, reported having had under consideration S. B. No. 2, H. B. No. 16 and H. B. No. 30, and asked further time to make a report. Granted.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred the House and Joint Rules;

H. B. No. 38, "An act to extend the boundaries of Lewis and Clarke County;"

H. B. No. 46, "An act to create the office of Game and Fish Warden and to provide for his appointment and salary;"

H. B. No. 37, "An act to provide further protection to game, fur-bearing animals, birds and fish;"

H. B. No. 39, "An act to provide for the payment of bounties for the killing of certain stock-destroying animals;"

H. B. No. 41, "A bill for an act to amend Section 1 of an act entitled 'An Act to Amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana, Concerning School Bonds,' approved March 14, 1889;"

H. B. No. 43, "An act to appropriate money for certain ordinary expenses of the State government, and for purposes therein specified, for the fiscal years ending December 1, A. D. 1893, and December 1, A. D. 1894;"

H. B. No. 47, "An act to amend an act entitled, 'An Act Concerning Compensation of County, District and Township Officers;'"—would respectfully report the same as having been correctly printed.

The report was received.

On motion of Lockey, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## TWENTY-THIRD DAY.

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HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 24, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all members were found present except Davidson and Laurence.

Prayer by the Chaplain.

Journal of the twenty-second day read and approved.

The following notices of introduction of bills were given:

By Monteath—A bill for an act to amend Chapter LIV, Fifth Division of the Compiled Statutes, relative to changing County Seats.

By Logue—A bill for an act providing for the stamping of gold and silver bullion into tokens of various sizes and weights.

By Burrell—A bill for an act to compel the use of safety signal appliances upon mines operated by shafts or inclines.

By Bach—An act concerning building and loan associations.

A majority of the Committee on Labor made the following report:

*Mr. Speaker:* A majority of your Committee on Labor having had under consideration H. B. No. 2, beg leave to report a substitute instead of the original with the recommendation that it do pass.

BONNER, Chairman.

T. S. KILGALLON.

W. H. SWETT.

D. W. BEECHER.

A. F. BRAY.

GORMAN.



A minority of the Committee on Labor made the following report:

*Mr. Speaker:* I, the undersigned, as a member of your Committee on Labor, having had under consideration H. B. No. 2, "An act regulating the hours of labor of stationary engineers, and fixing penalties for the violation thereof," beg leave to hand in my minority report:

Considering as I do that the matter contained in this bill is not consistent with the best interests of the people of the State, and deeming it not advisable to place an embargo upon any of our young industries at this time, it being my wish and desire to encourage by all lawful means any and all industries having in contemplation a larger field for the profitable employment of all classes of labor, and upon careful deliberation I hereby submit my minority report and beg that the bill do not pass. (Signed) HARRY WINTER.

Beecher, Chairman of the Committee on Privileges and Elections, made the following report:

*Mr. Speaker:* Your Committee on Privileges and Elections, having had under consideration H. B. No. 25, report a substitute back for the same with a recommendation that the substitute do pass.

Logue, Chairman of the Committee of the Whole on yesterday, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 2 and House Bills Nos. 16 and 30, beg leave to make the following report:

We recommend that S. B. No. 2 do pass as read, and that title be amended by striking out the words "a bill for."

We recommend that H. B. No. 16 be amended as follows, and referred to Judiciary Committee:

Amended by Smalley: Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 16, to create the County of Bitter Root, to define its boundaries, and perfect its organization, would respectfully recommend its passage with the following amendments: In line 4 strike out the name B. F. Chaffin and insert the name B. S. Chaffin. In line 5 strike out the name R. Gwinn and insert the name Abe Mettower. In line 6 strike out the name James Morris and insert the name Thomas H. Irvin. In line 8 strike out the name J. K. Squires and insert the name R. Gwinn. In line 9 strike out the name I. R. McLaren and insert the name Chas. Johnson. In line 10 strike out the name William Teidt and insert the name John H. Simpson. In line 12 strike out the name Robert O'Hara and insert the name L. J. Knapp. In line 16 strike out the name J. S. Simpson and insert the name J. W. Lancaster, and strike out all of Section 6 and insert in lieu thereof to be numbered,

Section 6. Who shall have the same powers, duties and privileges as are by law conferred upon like officers in other Counties in the State, and who shall be entitled to receive the same salaries and fees as are now fixed by law for like officers in other Counties in this State; provided, however, that such salaries shall not commence until said officers shall enter upon the discharge of their duties, and shall have qualified according to law.

By Monteath—Amend the amendment by striking out the word

“who,” after the words “Section 6,” and insert in lieu thereof, the words “The officers mentioned in Section 3 of this act.”

By Lewis—Strike out the words in Section 8, first line, “have power to.”

Also, that H. B. No. 30 be amended as follows, and, as so amended, recommend that it do pass. Add the following new sections:

Sec. 2. The State Auditor shall, upon presentation to him of a pay roll from either or both branches of the Legislative Assembly, containing the names of the employes and the number of days employed and the amount allowed for each day, and approved by the presiding officer of each branch of the Legislature presenting the same and attested by the Clerk or Secretary thereof, shall draw his warrant in favor of such persons named in such pay roll for the amount therein set out.

Sec. 3. The State Auditor shall keep a true and correct account of the name of each employe of the Legislative Assembly and the number of days employed, and the amount paid as certified to him in accordance with the provisions of Section 2 of this act.

Sec. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The report was adopted and H. B. No. 16 was referred to Committee on Judiciary.

Wilson, Chairman of Engrossing Committee, made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg to report H. B. No. 30, entitled “An act appropriating money to pay the salaries of the officers and attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana.”

Also, H. J. M. No. 2, to the House of Representatives, praying for the passage of a law for the free coinage of silver, correctly engrossed.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. No. 44, entitled “An act declaring an administrator, executor or guardian failing to render accounts or file reports required by law, guilty of a misdemeanor;”

H. B. No. 51, entitled “An act defining a felony;”

H. B. No. 53, entitled “An act appropriating money for the purpose of making a display at the World’s Columbian Exposition;”

H. B. No. 55, entitled “An act appropriating certain moneys for Conley & McTague, for interest on certain claims authorized by the Second Legislative Assembly of the State of Montana;”

H. B. No. 56, entitled “An act appropriating certain moneys for the payment of repairs and improvements made upon State Prison buildings by authority of State Prison Commissioners;”

H. B. No. 58, entitled “An act appropriating money for services rendered by William J. Kennedy as Clerk of the Supreme Court from November 8, 1889, to March 7, 1891;”

H. B. No. 57, entitled “An act appropriating certain moneys for Mitchell & Mussigbrod, for interest upon certain claims authorized by



the Second Legislative Assembly of the State of Montana;"—report the same as correctly printed.

Also, H. B. No. 40, "An act concerning licenses;"

H. B. No. 45, "An act to establish a Bureau of Labor, Agriculture and Industry;"—report the same as correctly printed.

WALKUP, Chairman.

Smalley, Chairman of Committee on Towns, Counties and Highways, made the following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred S. B. No. 8, being a bill for "An act to create the County of Teton, to define its boundaries, and to provide for its organization and the election of officers thereof," respectfully report the same back and recommend that it do pass.

The foregoing reports were received:

H. B. No. 2 and substitute, and H. B. No. 25 and substitute, were placed on general orders.

The Speaker *pro tem.* made the following references of bills:

H. B. No. 38 to Committee on Towns, Counties and Highways.

H. B. No. 46 to Committee on Fish and Game.

H. B. No. 37 to Committee on Fish and Game.

H. B. No. 39 to Committee on Appropriations and Claims.

H. B. No. 43 to Committee on Appropriations and Claims.

H. B. No. 41 to Committee on Judiciary.

H. B. No. 47 to Committee on Towns, Counties and Highways.

On motion, H. B. No. 30 and H. J. M. No. 2 were placed on file for third reading. S. B. No. 8 was placed on general orders.

The following bills were introduced:

By Losee, H. B. No. 62—An act to create a lien for the service of stock horses, and to protect Agricultural and Racing Associations.

By A. F. Bray, H. B. No. 63—An act to segregate a portion of Townships 3 and 4, N. R. 7 West of the principal meridian, from Jefferson County, State of Montana, and add the same to Silver Bow County, State of Montana.

By Tierney, H. B. No. 64—A bill for an act to create the County of Broadwater.

By Annear, H. B. No. 65—An act to amend an act entitled "An Act Concerning the Storage of Gunpowder and Other High Explosives." Approved March 1, 1883, and for the better protection of cities, towns and villages.

By Lockey, H. B. No. 66—An act to amend Section 1898 of the Fifth Division of the Compiled Statutes.

Also, H. B. No. 67—An act fixing the qualifications of electors upon the question authorizing the raising of money.

House Bills Nos. 62 to 67, both inclusive, were read first and second times and referred to Printing Committee.

Third reading of bills:

H. B. No. 30 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers,



Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Wilson, Winter, The Speaker—48.

Noes—None.

Title agreed to.

S. B. No. 2 was read third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Wilson, Winter, The Speaker—48.

Noes—None.

Title agreed to.

H. J. M. No. 2 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Wilson, Winter, The Speaker—48.

Noes—None.

Title agreed to.

On motion of Bach, and by unanimous consent, the rules were suspended and Rule No. 26 of the House Rules was amended by inserting the words "and Senate bills" before the word "shall" on line 3 of that rule, and that subdivision 9 of Rule 25 be amended by adding the words, "and first and second readings of the Senate bills."

On motion of Lewis, the Chief Clerk of the House was instructed to make out the pay roll of the per diem of the members of this House, to include the first twenty-one days of January, 1893, and file the same with the State Auditor.

Monteath moved that H. B. No. 7 be taken out of the hands of the Committee on Agriculture and Stock Growing, and that further consideration thereof be dispensed with. Carried.

The House resolved itself into Committee of the Whole for the consideration of general orders, Van Cleve in the chair.

11:30 A. M.

House resumed.

The Speaker in the chair.

Van Cleve, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole having had under consideration House Bills 5, 4 and 2 report the same back as follows:

That H. B. No. 5 be rereferred to Committee on Appropriations and Claims,

That H. B. No. 4 has been considered, and the committee ask leave to sit again upon said bill.

That substitute for H. B. No. 2 be referred to Committee on Printing.

The report was received and adopted.

On motion of Monteath, the House took a recess of fifteen minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The following communication was received from the Montana Club:

Helena, Montana, January 14, 1893.

*To the Members of the Senate and Legislature of the State of Montana:*

Gentlemen—I am instructed to inform you that at a meeting of the Board of Managers of the Montana Club, held this day, the members of the Senate and Legislature of the State of Montana were duly elected complimentary members of the Montana Club for sixty days from January 10, 1893. Respectfully,

GEORGE S. CHILD, Secretary.

On motion of Swett, the communication was received and ordered spread on the Journal.

The House tendered a vote of thanks to the club for its courtesy.

Sappington, Chairman of the Committee on Agriculture and Stock Growing, made the following report:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing hereby return H. B. No. 7, as requested by the House.

The honorable, the Senate, appeared before the bar of the House, was received by the House, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 24, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were announced as paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For Wm. W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

On the part of the House the following pairs were announced: Laurence and Wahle, McKay and Scharnikow.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Lewis, Leech, Lockey, Losee, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Tierney, Truman, Wilson—16.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 30 votes.

William A. Clark, 21 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

The Speaker announced the following references of bills:

H. B. No. 44 to the Judiciary Committee.

H. B. No. 51 to the Judiciary Committee.

House Bills Nos. 53, 55, 56, 58 and 57 to the Committee on Appropriations and Claims.

H. B. No. 40 to the Judiciary Committee.

H. B. No. 45 to the Labor Committee.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, January 24, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 5 and 24 were ordered printed.

Bills were introduced as follows:

By Hoffman, S. B. No. 26—A bill for an act to amend an act entitled "An Act to Provide for the Appointment of a Private Secretary of the Governor." Approved March 12, 1889.

By Power, S. B. No. 27—A bill for an act to amend an act entitled "An Act Concerning Savings Banks and Trust Deposits and Security Associations."

H. J. M. No. 3 has passed the Senate, and the same is herewith transmitted.



Further consideration of S. B. No. 11 has been postponed.

Very respectfully, DAVID MARKS, Secretary.

The message was received and ordered spread on the Journal.

H. J. M. No. 3 was referred to the Enrolling Committee.

Monteath moved that the substitute for H. B. No. 25, offered by Committee on Privileges and Elections, be not received and that H. B. No. 25 retain its present place on the calendar. Carried.

The House resolved itself into Committee of the Whole for the consideration of general orders, McDonel in the chair.

4:45 P. M.

House resumed.

The Speaker in the chair.

McDonel, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole having had under consideration House Bills Nos. 4 and 25 and S. B. No. 8 report the same back to the House as follows:

That H. B. No. 4 be amended as recommended by Judiciary Committee (folio 136).

Also, by striking out the words in title "a bill for."

Also, striking out in Section 7, line 5, the name "Charles Bartlett" and insert in lieu thereof "Andrew Fine."

Also, amend, as recommended by Committee on Towns, Counties and Highways (see folio 114).

Also, strike out the word "records" in line 80 of the printed bill and insert in lieu thereof the word "transcripts."

Also, strike out in Section 13, line 1, the word "immediately" and insert in lieu thereof the words "March 1st, 1893."

That title to H. B. No. 25 be amended by striking out the words "a bill for," and, as so amended, recommend that it do pass.

We report progress on S. B. No. 8 and ask leave to sit again.

MCDONEL, Chairman.

The report was adopted.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred the report of the Committee on World's Fair Appropriation;

H. B. No. 42, entitled "An act to provide for a State Normal School, to be located at Livingston, Montana;"

H. B. No. 54, entitled "An act appropriating certain moneys for the care and keeping of State convicts;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The reports were received.

The Speaker referred H. B. No. 43 to the Committee on State Institutions;

H. B. No. 54 to the Committee on Appropriations and Claims.

On motion of Walkup, the report of the special committee appointed to investigate and report as to the amount of appropriation deemed necessary for the World's Fair Managers for Montana, to complete

their labors and make a creditable display at the World's Columbian Exposition, was made a special order of business for 2 o'clock P. M. to-morrow.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 25, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except Davidson.

Prayer by the Chaplain.

Journal of the twenty-third day read and approved.

The following petition was presented by Butler:

Troy, Montana, January, 1893.

*To the Honorable Members of the Legislature of Montana:*

We, your petitioners, residents of the proposed new County of Flathead, do most earnestly petition the Legislature of the State of Montana for the passage of H. B. No. 26, which provided for the creating of the County of Flathead, with Kalispell as its County Seat, and county officers as mentioned in said H. B. No. 26. It is the desire of your petitioners to fully endorse said bill, and pray for its speedy passage.

(Signed) W. W. CASEY,

CHAS. MILLER and others.

Signed by 1,200 petitioners.

The petition was referred to the Committee on Towns, Counties and Highways.

A petition was read from resident taxpayers of Missoula County praying for a law on water ditches.

Signed by W. J. Wood, J. M. Jones and others.

Referred to the Committee on Irrigation and Water Rights.

The following notices of the introduction of bills were given:

By Lockhart—A bill to amend an act concerning licenses,

By Monteath—A bill for an act to amend Section 551, Chapter XXVIII, Fifth Division, Compiled Statutes, relative to the election of trustees for savings banks, trust deposits, etc.

By Scharnikow—A bill entitled "An act appropriating money for the payment of statistics furnished the State by County Assessors for the years 1890, 1891 and 1892."

Also, an act appropriating money for the payment of services rendered by the State Board of Arbitration.

Also, an act appropriating money for the payment of Sheriffs for transporting prisoners to State Prison and serving extradition papers.

Also, an act to amend Sections 12 and 97 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

By Coder—A bill for an act to protect State property.

By Graves—A bill for an act to regulate voting at primary elections and to prevent and punish frauds thereat.

Reports of committees:

Bonner, Chairman of the Committee on Labor, made the following report:

*Mr. Speaker:* Your Committee on Labor, to whom was referred H. B. No. 45, respectfully report the same back to the House with an amendment, and recommend that it do pass.

Amend title by striking out the words "a bill for."

H. B. No. 45, placed on general orders.

Wilson, Chairman of Committee on Engrossment, made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 4, entitled "An act to create the County of Valley, to define its boundaries and provide for its organization;"

Also, H. B. No. 25—An act to prevent and punish illegal voting at primary elections, correctly engrossed.

Report was received, and House Bills Nos. 4 and 25 placed on file for third reading.

On motion of A. F. Bray, a committee of three was appointed to investigate the matter of the alteration of H. B. No. 27.

The Speaker appointed Winter, Rose and Losee, as members of such committee.

The following bills were introduced:

By Metzel, H. B. No. 68—An act to create, establish and endow a State Normal School.

By Monteath, H. B. No. 69—An act to amend Chapter LIV, Fifth Division, General Laws of the Compiled Statutes of the State of Montana of 1887, in relation to changing county seats.

By Scharnikow, H. B. No. 70—An act to provide for the printing and distribution of ballots at public expense for the nomination of candidates for public offices; to regulate the manner of holding elections, and to enforce the secrecy of the ballot.

By Lockey, H. B. No. 71—An act relative to appeals from Boards of County Commissioners and Boards of Equalization.

Also, H. B. No. 72—An act requiring School Trustees in cities and towns to give official bonds.

Also, H. B. No. 73—An act entitled "An act to amend Sections 58 and 59 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891."

Also, H. B. No. 74—An act entitled "An act to amend Sections 96, 99, 100, 101, 102, 105, 107 and 121 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891."

Also, H. B. No. 75—An act to amend Section 2 of "An Act Concerning Revenue," approved March 6, 1891.

Also, H. B. No. 76—An act to amend Section 1908 of the Fifth Division of the Compiled Statutes.



House Bills Nos. 68, 69, 71, 72, 73, 74, 75 and 76 were read first and second times and referred to the Printing Committee.

On motion of Scharnikow, the rules were suspended by unanimous consent, and the first and second reading of H. B. No. 70 dispensed with and the bill referred to the Printing Committee.

H. B. No. 4 was read a third time, pending which, on motion of Graves, the House took a recess of ten minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 25, 1893.

The members of the Senate and House of the Legislature of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were announced as paired.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For W. A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the report of the special committee appointed to investigate and report as to the amount of appropriation deemed necessary for the World's Fair Commissioners of Montana to complete its labors and make a creditable display at the World's Columbian Exposition, the special order for 2 P. M., was deferred, and with H. B. No. 53, was made a special order for 2 P. M. to-morrow.

The Committee on Appropriations and Claims, who now have the bill, were requested to report the same with some recommendation.

H. B. No. 4 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—44.

Noes—Bach, Coder, Fitschen, Lockey, Metzel, Murphy, Scharnikow, Wilson—8.

Not voting—Davidson, Huffman, Lockhart—3.

Title agreed to.

H. B. No. 25 was read a third time, pending which Graves moved that further consideration of H. B. No. 25 be postponed for one week.

On motion of Monteath, the motion of Graves was laid on the table.

H. B. No. 25 was passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—51.

Noes—Burrell, Graves—2.

Title agreed to.

Reports of committees:

Scharnikow, Chairman of the Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that H. J. M. No. 3, praying Congress for the passage of S. B. No. 2373, to amend Sections 2474 and 2475 of the Revised Statutes of the United States, as correctly enrolled.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred the Governor's message;

H. B. No. 49, entitled "An act providing for the establishment and maintenance of a State Reform School;"



H. B. No. 50, entitled "An act relating to the liability of employers to employes;"—would respectfully report the same as having been correctly printed.

The Speaker referred H. B. No. 49 to the Committee on State Institutions.

H. B. No. 50 to the Committee on Labor.

The following message was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 25, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 21, 22 and 26 were ordered printed.

Notices of the introduction of bills were given as follows:

By Folsom—A bill for an act to amend an act entitled "An Act to Amend an Act to Enable Cities and Towns to Incur Indebtedness."

By McDermott—A bill for an act providing for the transcribing of county records of segregated counties.

Very respectfully, DAVID MARKS, Secretary.

On motion, the House resolved itself into a Committee of the Whole for the consideration of S. B. No. 8, Goodell in the chair.

4:05 P. M.

House resumed.

The Speaker in the chair.

Goodell, Chairman of the Committee of the Whole, reported that the committee had considered S. B. No. 8, and report the same back to the House with the following amendments, and, as so amended, recommend that it pass.

By A. F. Bray—Section 1, line 11. After the word "beginning" add the following: "shall be known and designated as the County of Teton."

By Lockey—I move to amend Section 1, beginning at line 12, to read as follows: The town of Choteau, situated within the boundaries above mentioned, shall be the temporary County Seat of said county until the permanent County Seat shall be designated, as hereinafter provided. And for the purpose of finally fixing and creating the County Seat of the county hereby created the Board of County Commissioners of Teton County shall cause to be inserted in the official ballots, when printed for the general election held the first Tuesday after the first Monday in November, A. D. 1894, at the foot of the names of the nominees therein, the following:

"For the County Seat of Teton County,....." and the electors when voting at the said general election shall declare their vote upon said proposition by inserting in the blank space upon their ballot herein provided for the name of some one town within said County of Teton. And when the name of a town shall be so inserted in the said space by an elector and the ballots have been cast, as provided by law, the same shall be deemed a vote for the designated town as the place of the County Seat of Teton County, and upon a canvass of the said ballots the town having the highest number of votes shall be declared by the canvassing board the County Seat of Teton



County, which result shall be entered of record in the County Commissioners' books, and from the date of such declaration of result the town so elected shall be and remain until lawfully changed the County Seat of Teton County. All laws of a general nature applicable to the several counties of the State of Montana and the officers thereof are hereby made applicable to said County of Teton, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this act.

By Bray, A. F.—Amend Section 6, line 80, by striking out the word "of" after the word "meeting."

Also, amend Section 7 by striking out lines 86, 87 and 88 and first four words of line 89.

By Tallant—I move to strike out "have full power and authority to" in line 89.

By Bray, A. F.—I move to amend Section 12 so as to read: "This act shall take effect from and after March 1st, 1893."

On motion the report was adopted.

S. B. No. 8, with amendments, was ordered engrossed for a third reading.

On motion of Logue, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## TWENTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 26, 1893.

The House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members were found present except Davidson.

Prayer by the Chaplain.

Journal of the twenty-fourth day read and approved.

The following notices of the introduction of bills were given:

By Coder—A bill regulating the hours of labor.

By Graves—A joint memorial to Congress relative to immigration.

By Logue—A bill for an act defining corporations and providing for what purposes private corporations may be formed.

By McDonel—A bill creating the County of Granite, defining its boundaries and providing for its organization.

By A. F. Bray—A bill for an act providing for liens upon mines, mining improvements and mining ground.

Also, an act to enforce the requirements of Inspector of Mines.

By Scharnikow—An act appropriating certain moneys for Journal Publishing Company for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana.

Also, an act appropriating certain moneys for payment of sundry expenses of Code Commission.

By Bach—A bill for an act to create and provide for the office of State Examiner, and to define his duties and compensation.

A petition was received from citizens of Deer Lodge, protesting against the removal of the Penitentiary. Referred to Committee on State Institutions.

Reports of committees:

Smalley, Chairman of Committee on Towns, Counties and Highways, made the following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 26, being a bill for an act to create the County of Flathead, to define its boundaries, and provide for its organization and government, respectfully report the same back, and recommend that it do pass the House with the following amendments:

After the word "of" on line 11 of printed bills, insert the following, viz: "The divide or water-shed between the Kootenai and Clark's Fork of the Columbia River, the same being known as the 'Cabinet Range of Mountains.'"

After the word "said" on line 12 of said printed bill, strike out the word "range" and insert the words "divide or water-shed."

Strike out all of Section 3, and insert in lieu thereof the following:

Section 3. That the town of Kalispell, situated within the boundaries above mentioned, shall be the temporary County Seat of said county until the permanent County Seat shall be designated as hereinafter provided, and for the purpose of finally fixing and creating the County Seat of the county hereby created the Board of County Commissioners of Flathead County shall cause to be inserted in the official ballots, when printed for the general election held the first Tuesday after the first Monday in November, A. D. 1894, at the foot of the names of the nominees therein, the following:

"For the County Seat of Flathead County,....." and the electors when voting at the said general election shall declare their vote upon said proposition by inserting in the blank space upon their ballot herein provided for the name of some one town within said County of Flathead. And when the name of a town shall be so inserted in the said space by an elector and the ballots have been cast as provided by law, the same shall be deemed a vote for the designated town as the place of the County Seat of Flathead County, and upon a canvass of the said ballots the town having the highest number of votes shall be declared by the canvassing board the County Seat of Flathead County, which result shall be entered of record in the County Commissioners' books, and from the date of such declaration of result the town so elected shall be and remain until lawfully changed the County Seat of Flathead County.

In line 82 of printed bill strike out the word "fifteenth" and insert the word "first."

In Section 14 strike out the words "its passage" and insert the words "March 1st, 1893."

Respectfully submitted, E. C. SMALLEY, Chairman.  
VAN CLEVE.  
WAHLE.  
LORING.  
TIERNEY.  
LEWIS.

H. B. No. 26 was placed on general orders.

Babcock, Chairman of the Committee on Appropriations and Claims, made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 58, beg leave to refer the same back to the House, with the recommendation that it be referred to the State Board of Examiners for their approval and indorsement.

BABCOCK, Chairman.  
HUFFMAN.  
LOSEE.  
LAURENCE.  
LOGUE,

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom were referred House Bills Nos. 34 and 35, respectfully refer the same back with the recommendation that they be referred to the Judiciary Committee.

BABCOCK, Chairman.  
HUFFMAN.  
LOSEE.  
LAURENCE.  
LOGUE.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 39, respectfully report the same back to the House, with the recommendation that it be referred to the Committee on Agriculture and Stock Growing.

BABCOCK, Chairman,  
HUFFMAN.  
LOSEE,  
LAURENCE.  
LOGUE.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 54, report the same back amended as follows:

Section 1. That the sum of \$24,821.40 is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to Frank Conley and Thomas McTague for the care, custody and keeping, and supplies furnished to the State convicts in the penitentiary at Deer Lodge from August 15, 1892, to and including November 30, 1892, and the State Auditor is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of Frank



Conley and Thomas McTague for the sum of \$24,821.40, being the amount due up to and including the end of the fiscal year 1892.

We hereby recommend that the same do pass as amended.

A. L. BABCOCK, Chairman.  
L. A. HUFFMAN.  
J. B. LOSEE.  
D. LAURENCE.  
W. A. LOGUE.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 55, report the same back with the recommendation that the same do pass.

A. L. BABCOCK, Chairman.  
L. A. HUFFMAN.  
J. B. LOSEE,  
D. LAURENCE.  
W. A. LOGUE.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 6, report the same back with the following amendments:

Section 2. This act shall take effect on and after the first Wednesday after the first Monday in 1894, and recommend that the same do pass as amended.

A. L. BABCOCK, Chairman.  
L. A. HUFFMAN.  
J. B. LOSEE.  
D. LAURENCE.  
W. A. LOGUE.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 57, report the same back with the recommendation that the same do pass.

A. L. BABCOCK, Chairman.  
L. A. HUFFMAN.  
J. B. LOSEE.  
D. LAURENCE,  
W. A. LOGUE.

House Bills Nos. 34 and 35 were referred to the Committee on Judiciary.

H. B. No. 58 was referred to the State Board of Examiners.

H. B. No. 39 was referred to the Committee on Agriculture and Stock Growing.

House Bills Nos. 54, 55, 57 and 6 were placed on general orders.

Bach, Chairman of the Judiciary Committee, made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom were referred H. B. No. 28, "An act to legalize and confirm the official acts of notaries public;" H. B. No. 41, "An act to amend Section 1 of an act entitled 'An act to amend Section 1950 of the Fifth Division of

the Compiled Statutes of Montana, Concerning School Bonds,' approved March 14, 1889;" H. B. No. 44, "An act declaring an administrator, executor or guardian failing to render accounts or file reports required by law guilty of a misdemeanor," beg leave to report the same back to your honorable body as follows:

We recommend that H. B. No. 28 be amended by striking out in line 9 of Section 1, after the word "office," the words "where he has acted in good faith," and that as so amended the same do pass.

That H. B. No. 41 be referred to the Committee on Education.

That H. B. No. 44 be amended by striking out Section 2 thereof and substituting the following: "Section 2. This act shall take effect and be in force from and after the first day of April, 1893," and that the same as amended do pass.

House Bills Nos. 28 and 44 were placed on general orders.

H. B. No. 41 was referred to the Committee on Education.

Wilson, Chairman of the Committee on Engrossment, made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report S. B. No. 8, entitled "An act to create the County of Teton, to define its boundaries and to provide for its organization and the election of the officers thereof."

S. B. No. 8 was placed on file for third reading.

The Speaker appointed Scharnikow, Winter and Losee as Joint Committee on Enrollment on the part of the House.

Winter, Chairman of Special Committee appointed to investigate the alteration of H. B. No. 27, asked for further time. Granted.

Monteath gave notice that on to-morrow he would introduce a resolution for the appointment of three sub-committees for the purpose of assisting the Judiciary Committee in preparing the Code, with concurrence of the Senate in the same.

The following bills were introduced:

By Scharnikow, H. B. No. 77—An act appropriating money for the payment of statistics furnished the State by the County Assessors for the years 1890, 1891 and 1892.

Also, H. B. No. 78—An act appropriating money for the payment of services rendered by the State Board of Arbitration.

Also, H. B. No. 79—An act appropriating money for the payment of Sheriffs for serving extradition papers and transporting prisoners to the State Prison.

On motion of Tallant, and by unanimous consent, the Rules were suspended and H. B. No. 77 was read the second time by title, and after twice reading was referred to Committee on Printing.

On motion of C. H. Bray, and by unanimous consent, H. B. No. 79 was read the first time at length and the second time by title, and referred to the Committee on Printing.

H. B. No. 78 was read first and second times at length and referred to Committee on Printing.

By Scharnikow, H. B. No. 80—An act to amend Sections 12 and 97 of an act entitled "An Act Concerning Revenue," approved March 6, 1891. Read first and second times and referred to the Committee on Printing.

By Coder, H. B. No. 81—An act to protect State property. Read first and second times and referred to the Committee on Printing.

By Huffman, H. J. M. No. 4—A memorial asking for the survey of lands. Read first and second times and referred to the Printing Committee.

Third reading of bills:

S. B. No. 8 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—52.

Noes—None.

Title agreed to.

The following communication was received from the Order of Elks:

*To the Honorable the Legislature of the State of Montana:*

You are cordially invited to attend a social session of Helena Lodge, No. 193, Benevolent and Protective Order of Elks, to be held at their hall, over Parchen's drug store, on Friday evening, January 27, 1893, commencing at 10 P. M.

DR. M. W. JOHNSON,

E. B. BRADEN,

JAMES GOMLAY,

W. H. ORR,

Committee on Social Session.

On motion of Lockey, the invitation was accepted and a vote of thanks tendered the order.

On motion, the House resolved itself into a Committee of the Whole, Tierney in the chair.

11:45 A. M.

House resumed.

The Speaker in the chair.

Tierney, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole beg leave to report having had under consideration H. B. No. 45, report progress and ask leave to sit again.

Report adopted.

On motion of Scharnikow, the House took a recess of five minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The following communication was received from the Senate:

SENATE CHAMBER,

Helena, Montana, January 26, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honor-



able body that H. B. No. 30 has passed the Senate, and the same is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

H. B. No. 30 was referred to the Enrolling Committee.

The honorable Senate appearing before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 26, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were paired indefinitely.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Cardwell, Cullen, Hoffman, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—26.

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—18.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 32 votes.

William A. Clark, 23 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

House resumed.

The Speaker in the chair.

Message from the Senate:

## SENATE CHAMBER,

Helena, Montana, January 26, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 10 was ordered printed.

Bills were introduced as follows:

By Folsom, S. B. No. 28—An act to amend an act entitled "An Act to Enable Cities and Towns to Incur Indebtedness."

By McDermott, S. B. No. 29—A bill for an act providing for the transcribing of county records of segregated counties.

Very respectfully, DAVID MARKS, Secretary.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Laurence, House took a recess until 2 P. M.

## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

On motion of A. F. Bray, H. B. No. 53 and report of special committee was deferred for 30 minutes.

House resolved itself into a Committee of the Whole, Tierney in the chair.

The hour having arrived for special order, the committee arose.

House resumed.

The Speaker in the chair.

Bach, Chairman of Judiciary Committee, made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 40, "A bill for an act concerning licenses," beg leave to report the same back to your honorable body with the recommendation that the same be referred to the Committee on Ways and Means.

The report was received and H. B. No. 40 was referred to Committee on Ways and Means.

The Committee on Appropriations and Claims made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims beg leave to report that they have carefully considered H. B. No. 53, entitled "An act to appropriate the sum of \$75,000 for the purpose of making a display at the World's Fair Columbian Exposition," and herewith refer the same back to the House with the recommendation that it do not pass, and respectfully recommend the accompanying substitute for passage:

Your committee desires to say, in explanation of its action, that after a careful examination into the financial condition of the State, and taking into consideration the constitutional limitation of State indebtedness, we are constrained to believe that the amount named—to wit, \$75,000—is too great a sum to take from the treasury for this purpose, and that so doing would retard some important industries and postpone the settlement of many claims which surely deserve recognition at the hands of the present Legislature.

While your committee is conscious of the fact that a creditable exhibition of the products of this State at Chicago would be of great benefit to our people, we are of the opinion that the amount named in the substitute bill herewith submitted, in addition to the amount already expended, will enable the Commissioners to make such a display as will be satisfactory to our people and creditable to the State.

(Signed)

BABCOCK.

LOSEE.

LOGUE.

LAURENCE.

SMALLEY.

The Speaker notified the House that he was about to sign H. J. M. No. 3.

The report was received and the substitute for H. B. No. 53 was read, and, on motion of Monteath, both were placed on general orders and made a special order for 11 A. M. to-morrow.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred House Bills Nos. 52, 60, 62, 63, 67 and 68, would respectfully report the same as having been correctly printed.

The Speaker made the following references of bills:

H. B. No. 52, to the Committee on Towns, Counties and Highways.

H. B. No. 60, to the Committee on Affairs of Cities.

H. B. No. 63, to the Committee on Towns, Counties and Highways.

H. B. No. 67, to the Committee on Privileges and Elections.

H. B. No. 68, to the Committee on State Institutions.

H. B. No. 62, to the Committee on Agriculture and Stock Growing.

The House resolved itself into a Committee of the Whole, for the consideration of general orders.

4:25 P. M.

House resumed.

The Speaker in the chair.

Tierney, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 26 and 54, do pass as amended, and request that H. B. No. 45 be made a special order for 12:10 P. M. to-morrow. Report adopted.

H. B. Nos. 26 and 54 were referred to the Engrossing Committee.

H. B. No. 45 made special order for 12:10 P. M. to-morrow.

The following message from the Governor was received:

*To the Speaker of the House of Representatives:*

I have the honor to hand you herewith a copy of a letter from Hon. Martin Maginnis, Mineral Land Commissioner, which calls attention to the fact that the last Legislative Assembly made no appropriation to cover the amount due him for salary for the last year of his term.



I recommend that the amount provided by law, namely, \$6,000, be included in the appropriation bill covering deficiencies,

Respectfully, J. E. RICKARDS, Governor.

Referred to Committee on Appropriations and Claims.

On motion of Annear, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## TWENTY-SIXTH DAY.

### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 27, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except Annear, Davidson and Wilson.

Prayer by the Chaplain.

Journal of the twenty-fifth day read and approved.

Scharnikow, Chairman of Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 30 as correctly enrolled.

The report was received, and the Speaker notified the House that he was about to sign H. B. No. 30, and he signed the same in the presence of the House.

A petition was received from citizens of the County of Yellowstone to locate the Penitentiary at the City of Billings.

Notices of bills:

By Monteath, on request of Committee on Education—An act concerning the duties of School Trustees.

By Lockhart—A bill for an act to establish a hospital for the insane and providing for the location of the same.

By Burrell—An act for the better protection of the revenue.

By Truman—A bill to amend Section 1868, Chapter CIII, of the Fifth Division of the Revised Statutes of the State of Montana.

By A. F. Bray—A bill for an act to prescribe the mode of payment of all obligations of debt to be paid in money.

By A. F. Bray—A bill for an act providing for the submission of the qualified electors of the State of an amendment to Section 4, Article VI, of the Constitution, relating to Senators.

Reports of committees:

The Committee on Agriculture and Stock Growing made the following report:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 39, recommend that the bill do pass with the following amendments:

Amend Section 2 by striking out the words "Ninety days," and insert in place thereof the words "one hundred and twenty days."

Amend certificate issued to persons killing stock-destroying animals, by striking out the words "Ninety days," and insert in place thereof the words "one hundred and twenty days."

Amend Section 5 by striking out the words "one inch," and insert in place thereof the words "three-fourths of an inch."

(Signed)

SAPPINGTON.

METZEL.

WARD.

TRUMAN.

LOCKHART.

CODER.

McKAY.

Report was received and H. B. No. 39 placed on general orders.

By Committee on Appropriation and Claims:

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 56, beg leave to report the same back to the House with the recommendation that the same be referred to the Judiciary Committee.

A. L. BABCOCK, Chairman.

L. A. HUFFMAN.

D. LAURENCE,

J. B. LOSEE.

W. A. LOGUE.

The report was received and H. B. No. 56 was referred to the Judiciary Committee.

By Dudley—Your Committee on Game and Fish, to whom was referred H. B. No. 46, respectfully report the same back with the recommendation that it do pass.

Report received and H. B. No. 46 placed on general orders.

By Bach—*Mr. Speaker:* We, your Committee on Judiciary, to whom was referred Sections 2 and 9 of H. B. No. 16, "An act to create the County of Bitter Root, to define its boundaries and to provide for its organization," beg leave to report the same back to your honorable body as follows:

We recommend that Section 2 of this bill be amended by substituting in place thereof the following:

Section 2. That the indebtedness of Missoula County, as the same shall exist on the first day of April, 1893, shall be apportioned between the County of Missoula and the County of Bitter Root by first deducting from said indebtedness the amount of all moneys on hand and all moneys belonging to said Missoula County, and also deducting the value of all real and personal property within and belonging to said Missoula County on said first day of April, 1893, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in each of said counties, said amount of taxable property to be ascertained, and said apportionment and valuation of county property to be made by a commission consisting of the Boards of County Commissioners of Missoula and Bitter Root Counties, and the Judge of the Third Judicial District of the State of Montana, which said commission

shall meet at the Court House in the City of Missoula on the 15th day of April, 1893, and shall take as the standard for such apportionment of indebtedness the assessment for the year 1892, as determined by the Board of Equalization of said Missoula County.

We also recommend that Section 9 of said bill be amended to read as follows:

"Section 9. This act shall take effect and be in force on and after the first day of April, 1893; and the County of Bitter Root shall be attached to and become a part of the Fourth Judicial District of this State for judicial purposes."

THOMAS C. BACH,

Chairman of Committee on Judiciary.

By Van Cleve—Your Committee on Engrossment beg leave to report House Bills Nos. 26 and 54 as correctly engrossed.

House Bills Nos. 26 and 54 were placed on file for third reading.

Winter, Chairman of Special Committee, made the following report:

*Mr. Speaker:* Your Special Committee appointed to investigate when and by whom the alteration in H. B. No. 27 was made, beg leave to report that after careful tracing of the bill from one hand to the other we have come to the conclusion that the alteration must have been made in the room occupied by the Printing Committee and various other committees.

Being unable to fasten the act upon any special person, and in order to throw a reasonable safeguard around all papers entrusted to the care of employes and clerks of the House, and to prevent a recurrence of a like act, we would recommend that after this no one be permitted to visit the room occupied by the aforesaid committees except members and employes of the House, and that no clerk or employe of the House entrusted with any bill or paper be permitted to hand the same to any one but a member or employe of the House and that no one be permitted to make any erasure or alteration in such bill or paper without first calling the attention of such clerk or employe to the fact.

WINTER, Chairman.

The report was received, adopted and the committee discharged.

Bach moved that when the House adjourn, it do adjourn until 10 A. M., out of respect to the memory of James G. Blaine, deceased. Carried.

The following bills were introduced:

By Scharnikow, H. B. No. 82—An act to appropriate certain moneys for the Journal Publishing Company for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana.

Also, H. B. No. 83—An act appropriating certain moneys for the payment of sundry expenses of the Code Commission.

House Bills Nos. 82 and 83 were read first and second times at length and referred to the Printing Committee.

By Lockhart, H. B. No. 84—An act to amend Section 5 of an act entitled "An Act to Amend an Act entitled 'An Act Concerning Licenses,'" approved March 10, 1887. Read first and second times and referred to Printing Committee.



By A. F. Bray, H. B. No. 85—An act amendatory of and supplementary to an act entitled "An Act to Create the Office of Inspector of Mines," and to define his duties, approved March 14, 1889.

Also, H. B. No. 86—An act to repeal Section 5 of "An Act to Amend 'An Act Relating to Liens of Mechanics and Others,'" approved March 9, 1887; approved September 14, 1887.

House Bills Nos. 85 and 86 were read first and second times and referred to the Committee on Printing.

By Lockey, by unanimous consent, without previous notice—H. B. No. 87; pending which, the hour having arrived for the special order, H. B. No. 53, the House resolved itself into a Committee of the Whole, Graves in the chair.

11:50 A. M.

House resumed.

The Speaker in the chair.

Graves, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration the report of your Committee on Columbian Exposition, report progress and ask leave to sit again.

On motion of Fitzgerald, the House took a recess of five minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The State Board of Examiners returned H. B. No. 58 and claim of W. J. Kennedy against the State of Montana with the following indorsement:

We recommend that relief be granted to W. J. Kennedy for the sum of \$1,154.33. (Signed)

J. E. RICKARDS,

H. J. HASKELL,

L. ROTWITT,

Members State Board of Examiners.

Referred to the Committee on Appropriations and Claims.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 27, 1893.

The members of the Senate and House of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

Senators Brown and Buford were announced paired.

Senators Gibson and Folsom were announced paired until the session of Monday next.

Senators Power and Hoffman were announced paired until the return of Senator Hoffman.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Goddard, Hatch, Swift—4.

For William A. Clark: Cardwell, Cullen, McDermott, Steele—4.

For William W. Dixon: Eggleston, Matts—2.

In the House the following pairs were announced: Annear and Ash, Graves and Wilson, until the session of Monday next.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Huffman, Jeffers, Lawrence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For William A. Clark: Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle—16.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson,

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 28 votes.

William A. Clark, 20 votes.

William W. Dixon, 11 votes.

T. E. Collins, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

Lockhart, Chairman of the Committee of the Whole, having had under consideration H. B. No. 45, asked for further time to make a report. Granted.

On motion of Scharnikow, H. B. No. 53 was made a special order for 11 o'clock to-morrow.

Third reading of bills:

H. B. No. 26 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Bach, Beecher, Benson, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—50,

Noes—Bonner—1,

Title agreed to.

H. B. No. 54 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—51.

Noes—None.

Title agreed to.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## TWENTY-SEVENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 28, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the Chair.

Roll called and all members were found present except Annear, Bach, Dudley, Graves, Laurence, Rose, Sappington, Wahle, Wilson, Davidson.

Prayer by the Chaplain.

Journal of the twenty-sixth day read and approved.

A petition was received from residents of Choteau County protesting against the passage of the bill creating Bear Paw County. Referred to Committee on Towns, Counties and Highways.

The following notices of the introduction of bills were given:

By Lockey—A bill to provide revenue for the support of the government of the State of Montana for the fiscal years of 1893 and 1894.

By Goodell—A bill fixing auctioneers' license.

By Burns—An act to amend Section 302, Third Division of the Compiled Statutes of Montana.

Van Cleve, of the Engrossing Committee, reported as follows:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 45 as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

H. B. No. 45 was placed on file for third reading.

Reports of committees:

Monteath, Chairman of the Committee on Education, reported as follows:

*Mr. Speaker:* Your Committee on Education, to whom was referred H. B. No. 41, "An act to amend Section 1 of an act entitled 'An Act to Amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana, Concerning School Bonds,' approved March 14, 1889," would respectfully report the same back with the



following amendments, and with such amendments would recommend its passage:

"Amend Section 1 by inserting the word 'qualified' before the word 'electors' in lines 11 and 20 of the original bill."

MONTEATH, Chairman.

The report was received and H. B. No. 41 placed on general orders.

Bonner, Chairman of the Committee on Labor, made the following report:

*Mr. Speaker:* Your Committee on Labor, to whom was referred H. B. No. 12, beg leave to report the same back to the House with the recommendation that it be referred to the Committee on Water Rights and Irrigation.

BONNER, Chairman.

The report was received and H. B. No. 12 was referred to the Committee on Water Rights and Irrigation.

Scharnikow, Chairman of the Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they, on January 27, at 3:10 P. M., delivered to Governor J. E. Rickards H. B. No. 30 for his approval.

SCHARNIKOW, Chairman.

Lockey, Chairman of the Committee on Ways and Means, made the following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 40, refer the same back to the House with the recommendation that it be referred to the Judiciary Committee, with accompanying papers, to be taken up in connection with the Codes.

LOCKEY, Chairman.

H. B. No. 40 was referred to Judiciary Committee.

Beecher, Chairman of Committee on Privileges and Elections, reported as follows:

*Mr. Speaker:* Your Committee on Privileges and Elections, having considered H. B. No. 67, wish to report favoring same, and recommend that the same pass.

D. W. BEECHER, Chairman.

The report was received and H. B. No. 67 placed on general orders.

A. F. Bray, Chairman of Committee of State Institutions, made the following report:

*Mr. Speaker:* Your Committee on State Institutions, having had under consideration H. B. No. 27, beg leave to report back a substitute for the same.

A. F. BRAY, Chairman.

The substitute was referred to the Printing Committee.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred substitute for H. B. No. 2 and House Bills Nos. 66, 69, 71, 72, 73, 75, 76, 78, 81, 59, 65 and 48, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

Report was received, and the Speaker announced the following references of bills:

Substitute for H. B. No. 2, to the Committee on Labor.

House Bills Nos. 66, 72 and 76, to the Committee on Education.

House Bills Nos. 69 and 48, to the Committee on Towns, Counties and Highways.

House Bills Nos. 71, 81 and 59, to the Committee on Judiciary.

House Bills Nos. 73 and 75, to the Committee on Ways and Means.

H. B. No. 78, to the Committee on Appropriations and Claims.

H. B. No. 65, to the Committee on Affairs of Cities.

Bach, Chairman of Judiciary Committee, made the following report:

*Mr. Speaker:* We, your Committee on Judiciary, to whom was referred H. B. No. 34, "An act appropriating money for the relief of William R. Blackford," and H. B. No. 35, "An act appropriating money for the relief of Stephen Carpenter, for services rendered the State of Montana," beg leave to report the same back to your honorable body, with the recommendation that each of said bills do pass.

THOS. C. BACH, Chairman.

House Bills Nos. 34 and 35 were placed on general orders.

The following bills were introduced:

By Lockey, H. B. No. 87—An act giving the consent of the State of Montana to the purchase by the United States of lands in the State, for the purpose of United States Court Houses, Post Offices, and for other purposes, and ceding to the United States jurisdiction over such lands.

By Truman, H. B. No. 88—An act to amend Section 1868 of Chapter CIII, of the Fifth Division of the Revised Statutes of the State of Montana.

By Burrell, H. B. No. 89—An act entitled "An act to compel the use of the chair indicator and safety signalling appliances in mining shafts."

Also, H. B. No. 90—An act for the further protection of the revenue.

By Huffman, H. B. No. 91—A bill for an act providing for the establishment of the Montana Agricultural College and Experimental Station in connection therewith, stating its objects and purposes, providing for the management and control thereof, accepting and adopting the provisions, donations and benefits contained in the several acts of Congress relating thereto, and providing for the location of the institutions.

By the Committee on Education, H. B. No. 92—An act concerning the duties of School Trustees.

By A. F. Bray, H. B. No. 93—A bill for an act to prescribe the mode of payment of all obligations of debt to be paid in money.

Also, H. J. M. No. 5—Praying Congress for the non-repeal of the act of July 14, 1891, requiring the purchase of fifty-four millions of ounces of silver a year.

House Joint Memorial No. 5 and House Bills Nos. 87 and 93, both inclusive, were read first and second times and referred to the Printing Committee.

On motion of Scharnikow, the special order—H. B. No. 53—was deferred until 12:10 P. M. to-day.

The following message was received from the Senate:



SENATE CHAMBER,  
Helena, Montana, January 27, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 18, 23, 13 and 20 were ordered printed.

The Senate has concurred in House amendments to S. B. No. 8, and the bill was ordered enrolled.

Notices of the introduction of bills were given as follows:

By Cardwell—A bill for the location of the Insane Asylum and the management thereof.

By Goddard—A bill for an act to allow the construction and maintenance of toll roads and toll bridges and to regulate the same.

Also, a bill for an act to provide for the appointment of a State Architect, and to prescribe his duties and compensation.

Senate Bills Nos. 1 and 12 have passed the Senate, and they are herewith transmitted,

H. B. No. 31 has been amended by the Senate, and, as so amended, the same was concurred in, and it is herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

Senate amendments to H. B. No. 31 are as follows:

Amend Section 2 by inserting in line 2, after the word "Speaker," the words "and Speaker *pro tem.*," and after the word "Representatives," "and President *pro tem.* of the Senate."

Amend Section 2, line 13, by inserting after the word "House," "and the Stenographer of the Senate."

Amend Section 2, in third and fourth lines, by striking out the words "House of Representatives" and insert the words "Legislative Assembly."

The foregoing Senate amendments to H. B. No. 31 were, on motion of Beecher, concurred in by the House.

On motion of Lockey, H. B. No. 31 was placed on general orders.

Senate Bills Nos. 1 and 12 were placed on file for first and second readings.

On motion of Fleming, the House took a recess of five minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 28, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.



Senators Brown and Buford were paired indefinitely.

Senators Gibson and Folsom were paired until Monday next.

Senators Hoffman and Power were paired until Monday next.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Goddard, Hatch, Swift—4.

For William A. Clark: Cardwell, Cullen, McDermott, Steele—4.

For William W. Dixon: Eggleston, Matts—2.

The following pairs were announced by the Speaker: Annear and Ash, Graves and Wilson, Sappington and Rose, Laurence and Wahle.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Huffman, Jeffers, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Swett, Tallant, Van Cleve, Winter—22.

For William A. Clark: Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Scharnikow, Tierney, Truman—14.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 26 votes.

William A. Clark, 18 votes.

William W. Dixon, 11 votes.

T. E. Collins, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

A. F. Bray moved that when the House adjourns, it do adjourn until 11:45 A. M. on Monday. Motion carried.

The hour having arrived for consideration of the special order—H. B. No. 53—the House resolved itself into a Committee of the Whole, Loring in the chair.

1 O'CLOCK P. M.

House resumed.

The Speaker in the chair.

Loring, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration the report of the Committee on Appropriations and Claims on H. B. No. 53, beg leave to report progress and ask leave to sit again.

The report was received and adopted.

On motion of Scharnikow, H. B. No, 53 was made a special order for 12:10 P. M. on Monday.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk,

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## TWENTY-NINTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 30, 1893.

House met pursuant to adjournment at 11:45 A. M.

The Speaker in the chair.

Roll called and all the members were present except Annear, Davidson, Rose and Scharnikow.

Prayer by the Chaplain.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of trying to elect a United States Senator.

### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 30, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon: Eggleston, Matts—2.

For T. E. Collins: Gibson—1.

The following pairs were announced by the Speaker: Annear and Ash, Rose and Sappington, McKay and Scharnikow.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, Metzel, Monteath, Swett, Tallant, Van Cleve, Winter—23.

For William A. Clark: Bach, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Tierney, Truman, Wahle, Wilson—15.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For T. E. Collins: Beecher—1.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 30 votes.

William A. Clark, 21 votes.

William W. Dixon, 11 votes.

T. E. Collins, 2 votes.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

Journal of the twenty-seventh day read and approved.

Fleming offered the following resolution:

*Resolved by the House of Representatives of the State of Montana,* That we have heard with profound sensibility and sorrow of the death of that eminent American, James G. Blaine. Although he died a private citizen, he has held conspicuous office, and it had been his fortune to live in the most stirring era of our history, and through it all to make large contribution to his country's renown. As the editor of a newspaper, as a member of Congress, as a Speaker of our National House of Representatives, as a Senator, as an historian of its most thrilling epoch, and as a Secretary of State, his activities compass a generation. In the discharge of these duties he was adequate to the tasks imposed, he comprehended the grandeur of his country, its traditions and character, he was patriotic, confident, moderate and severely just. He treasured and defended the rights of American citizenship and the honor of the American name. No fortune or renown could separate him in sympathy from his countryman, and he loved and died by them beloved. The people of Montana, remembering his service to his country, and to them while we were yet a Territory, recall his name with admiration, affection and gratitude, and desire to place an enduring record of their appreciation of his services, his name and fame.

*Resolved,* That as a mark of respect to his memory upon this, the day of his funeral, this House do now adjourn.

Motion carried unanimously, and the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.



## THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 31, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all members were present except C. H. Bray, Davidson and Annear,

Prayer by the Chaplain.

Journal of the twenty-ninth day read and approved.

A petition was read from citizens and stock growers of Cascade County, asking that the bounty on stock-destroying animals be increased. Referred to Committee on Agriculture and Stock Growing.

A petition was introduced by Carpenter from citizens of Cascade and Meagher Counties, asking that certain portions of Cascade and Meagher Counties be annexed to Lewis and Clarke County. Referred to Committee on Towns, Counties and Highways.

A petition was received from stockmen of Yellowstone County, asking that an additional bounty be paid on wolves and coyotes. Referred to Committee on Agriculture and Stock Growing.

The following notices of the introduction of bills were given:

By Tallant—*Mr. Speaker*: Under instructions from your Committee on Railroads and Transportation, I hereby give notice that on to-morrow, or on some future day, I will introduce a bill for an act to regulate the receiving and transportation of passengers and freight on railroads in this State.

Also, a bill for an act to provide for the establishment of a Board of Railroad Commissioners and define their powers and duties.

Also, a bill for an act to amend Chapter XXII, Fifth Division of Compiled Statutes of Montana, relating to municipal corporations and amendments thereto, approved September 14, 1889.

By Laurence—A bill to amend Section 321 of the First Division of the Compiled Statutes of Montana.

By Metzel—A bill for an act to amend Section 5 of "An Act to Provide Fees and Compensation for the Several County Officers in the Counties of Montana," approved March 14, 1889.

By Murphy—A bill providing for a State flag for the State of Montana.

Also, a bill to provide a Coat of Arms for the State of Montana.

By Walkup—A bill for an act to authorize the amendment of certificates of incorporation of railroad corporations.

By Fleming—A bill entitled "An act to protect the interests of stockholders in mining companies and corporations."

On motion of Bonner, H. B. No. 2 and substitute were placed on general orders.

Reports of committees:

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 74 and H. B. No. 80, would respectfully report the same as having been correctly printed. WALKUP, Chairman.

The report was received.

Babcock, Chairman of Committee on Appropriations and Claims, made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims have carefully considered House Bills Nos. 58 and 78, and respectfully refer the same back to the House with the recommendation that they do pass.

BABCOCK, Chairman.

J. B. LOSEE.

W. A. LOGUE,

D. LAURENCE.

S. A. HUFFMAN.

The report was received and House Bills Nos. 58 and 78 were placed on general orders.

Dudley, Chairman of Committee on Game and Fish, made the following report:

*Mr. Speaker:* Your Committee, to whom was referred H. B. No. 37, respectfully report the same back recommending that it do pass with the following amendments:

Section 1, line 2, after the word "quail" insert the words "Chinese pheasants."

Section 1, line 4, after the word "elk" insert the word "otter."

Section 1, line 8, after the word "animals" insert the words "or of offering for sale any unmounted heads or horns."

Section 1, line 9, strike out the word "presumptive" and insert in place thereof the words "*prima facie*."

Section 2, line 2, after the word "goat" insert the word "and."

Section 2, line 13, strike out the word "January" and insert "December."

Section 2, line 13, strike out the word "September" and insert "August."

Section 2, line 13, strike out the word "same" and insert "following."

Section 2, line 15, strike out the word "twenty" and insert "fifty."

Section 2, line 15, strike out the word "fifty" and insert "one hundred."

Section 2, line 15, after the word "committed" insert the words "or imprisonment in the County Jail for not less than thirty days nor more than sixty days."

Section 4, line 18, strike out the words "or spear."

Section 4, strike out all words between the word "aquariums" in line 28 and the word "any" in line 29.

Section 5, after the word "years" in line 38 insert the words "or both such fine and imprisonment."

Section 8, line 52, strike out the word "otter."

Section 9, line 57, after the word "partridge" insert the words "or snipe."

Section 9, line 57, strike out the word "first" and insert "fifteen."

Section 9, line 58, strike out the word "December" and insert "November."

Section 9, line 58, strike out "first" and insert "fifteenth."

Section 9, line 58, strike out "September" and insert "August."

Section 9, line 63, insert the word "deemed" after the word "be."

Section 10, line 67, strike out "March" and insert "January."

Section 10, line 69, strike out the word "an" and insert "any."

Section 14, line 85, after the word "fish" insert the words "or game."

Section 14, line 86, after the word "fish" insert the words "or game."

Section 14, line 88, strike out "ten" and insert "one hundred."

Section 14, line 88, strike out "twenty-five" and insert "three hundred."

Section 15, line 101, strike out "complaint" and insert "complainant."

After Section 17 insert the following section and number it "18":

Section 18. There shall be constructed at all dams now existing, or any that may be hereafter placed, on any of the streams in the State, a fishway or ladder, that fishway or ladder to conform to the following requirements: It shall be from three to six feet in width, as the Fish Warden may direct; it shall extend from the base to the apex of the dam; it shall be constructed strongly and made of at least two-inch plank; the sides shall be not less than one foot in height; it shall have wings placed on the inside at not more than an angle of 45 degrees; said wings shall not be more than four feet apart on each side of the way or ladder; the channel between the wings shall be one-fourth the width of the way or ladder, the way or ladder shall have a slope of not more than 30 degrees.

Section 19, line 123, strike out "first" and insert "fifteenth."

Section 19, line 123, strike out "January" and insert "December."

Section 19, line 123, strike out "September" and insert "August."

Section 19, line 124, strike out the words "same year" and insert "following year."

Line 121, after the word "Section" strike out "18" and insert "19."

Line 127, after the word "Section" strike out "19" and insert "20."

Line 129, after the word "Section" strike out "20" and insert "21."

The report was received and H. B. No. 37 placed on general orders.

Lockey, Chairman of Committee on Ways and Means, made the following report:

*Mr. Speaker:* Your Committee on Ways and Means have examined H. B. No. 73, and respectfully refer the same back to the House with the recommendation that it do pass.

Also, your Committee on Ways and Means have carefully considered H. B. No. 75, and refer the same back to the House with the recommendation that it do pass.

LOCKEY, Chairman.

Reports were received, and House Bills Nos. 73 and 75 placed on general orders.

Introduction of bills:

Substitute for H. B. No. 82 was read first and second times and referred to the Printing Committee.



On motion of Scharnikow, H. B. No. 82 was withdrawn from the Printing Committee on account of the clerical error in the bill, and by unanimous consent of the House, he was allowed to introduce a substitute for H. B. No. 82, which was read first and second times and referred to the Printing Committee.

The following bills were introduced:

By Logue, H. B. No. 94—A bill for an act defining corporations, providing for what purposes private corporations may be formed, and for dissolution and winding up of corporations offending against the provisions of this act by writ of *quo warranto*. Read first and second times and referred to Committee on Printing.

By A. F. Bray, H. B. No. 95—A bill to amend Section 4 of Article V, and Sections 2, 3 and 4 of Article VI, of the Constitution of the State of Montana, in relation to the number and apportionment of the State Senators and Representatives. Read first and second times, and referred to Committee on Printing.

By Burrell, H. B. No. 96—An act entitled "An act to amend Section 302, Third Division of the Compiled Statutes of Montana, relating to trials of prisoners jointly indicted or informed against for criminal offences." Read first and second times and referred to Committee on Printing.

By Committee on Ways and Means, H. B. No. 97—An act to provide revenue for the support of the Government of the State of Montana for the fiscal years 1893 and 1894. Read first and second times and referred to Committee on Printing.

The following communication was received from the Governor:

Message from the Governor:

Helena, Montana, January 30, 1893.

*Mr. Speaker and Gentlemen of the House of Representatives:*

I have the honor to inform you that I have this day approved and signed H. B. No. 30, being "An act appropriating money to pay the salaries of the officers and attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana. Respectfully,

J. E. RICKARDS, Governor.

Message from the Senate:

SENATE CHAMBER,

Helena, Montana, January 30, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that notices of the introduction of bills were given as follows:

By Gibson—A bill for an act to transfer the Miscellaneous Division of the Montana State Library to the Library of the Historical Society of the State of Montana and to the care and custody of its officers.

Also, a bill for an act making appropriation for the support and maintenance of the Library of the Historical Society of the State of Montana.

H. B. No. 25 was read a third time, and the Senate has refused to concur, and the same is herewith transmitted.

H. B. No. 4 has been concurred in by the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Cardwell, S. B. No. 30—An act to establish a Hospital for the Insane and providing for the location of the same.

By Baylies, S. B. No. 31—An act to provide for the publication of reports of the opinions of the Supreme Court and to regulate the price of such reports.

By Hatch, S. B. No. 32—A bill for an act creating the County of Sweet Grass, defining its boundaries, providing for its organization, and to change the boundaries of Park, Meagher and Yellowstone Counties.

By Goddard, S. B. No. 33—A bill for an act to provide for the appointment of a State Architect and prescribe his duties and compensation.

Power gave notice of a bill for an act authorizing cities and towns to incur indebtedness and to issue warrants or bonds therefor.

H. J. M. No. 2 and H. B. No. 26 have been concurred in by the Senate and they are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

H. J. M. No. 2 and House Bills Nos. 4 and 26 were referred to the Enrolling Committee.

Scharnikow, Chairman of the Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 26 and H. J. M. No. 2 as correctly enrolled.

SCHARNIKOW, Chairman.

Monteath moved that a Committee of Conference be appointed by the House to confer with a like committee to be appointed by the Senate on H. B. No. 25.

On motion of Smalley, H. B. No. 16 was made a special order for 2 P. M. to-day.

On motion of Scharnikow, H. B. No. 53 and substitute were made a special order, to immediately follow special order H. B. No. 16.

S. B. No. 12 was read first and second times and referred to the Committee on Education.

S. B. No. 1 was read first and second times and referred to the Committee on Affairs of Cities.

H. B. No. 45 was read the third time.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of trying to elect a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 31, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House

called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon—Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Babcock, Benson, Burrell, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Leech, Losee, McKay, Metzel, Monteath, Rose, Swett, Talant, Van Cleve, Winter—24.

For William A. Clark: Ash, Bach, Beecher, Butler, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, Matthews, The Speaker *pro tem.*—9.

Absent—Davidson, Annear, C. H. Bray.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 25 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Swift, the joint session dissolved.

12:05 P. M.

The Speaker in the chair.

On motion of Matthews, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

The Speaker announced that he was about to sign the House Joint Memorial to Congress praying for a law for the free coinage of silver, and did so sign the same in the presence of the House.

The Speaker announced that he was about to sign an act to create the County of Flathead, define its boundaries, and to provide for its organization and government, and signed the same in the presence of the House.

Third reading of bills:

H. B. No. 45 was passed by the following vote:

Ayes—Babcock, Bach, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Talant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—46.



Noes—Ash, Jeffers, Metzel, Sappington—4.  
Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of special order H. B. No. 16, Wilson in the chair.

3:45 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Wilson, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 16, report the same back with the following amendments, and recommend that it do pass as amended. See amendments by Bach, folio 174. WILSON, Chairman.

Report was adopted, and H. B. No. 16 was referred to the Engraving Committee.

The House resolved itself into a Committee of the Whole for consideration of the special order—H. B. No. 53 and substitute. Graves in the chair.

5:30 P. M.

House resumed.

The Speaker in the chair.

Graves, Chairman of Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration the substitute for H. B. No. 53, reported by the Committee on Appropriations and Claims, beg leave to report that they have amended the same, and recommend that as so amended, the substitute bill do pass, GRAVES, Chairman.

By Monteath—Amend by striking out the figures "\$3,500.00" after the words "for ladies' department," under the heading "Ladies' Department," and insert in lieu thereof the figures "\$4,600.00."

Also, amend by striking out the figures "\$1,347.35" after the words "insurance and incidentals," under the heading "Miscellaneous Expenses," and insert in lieu thereof the figures "\$847.35."

Also, amend Section 4 by adding the following: Provided, that in case a deficiency in any of the above mentioned items, the Executive Commissioner can, at his discretion, transfer to such deficient fund, from any other fund that may be in excess of the amount needed for the purpose, but no such transfer must be made to the fund for salaries of officers.

By Swett—Amend the title by striking out the words "A bill for."

By Walkup—Amend Section 3 by adding after the word "statistics," in line 10, "said printing to be done within the State of Montana."

By Monteath—Amend by striking out the figures "\$1,800.00" after the word "attendants," under the heading "Educational Exhibit," and insert in lieu thereof the figures "\$1,200.00."

By Monteath—Amend Section 4 by adding thereto, as amended, the words "or per diem of members."

By Lockey—Section 6. All bills contracted by said State Board of

World's Fair Commissioners shall be audited and approved by the Auditing Committee of said Board before the same are paid.

Also, Section 6 to be numbered Section 7.

The report was adopted, and substitute for H. B. No. 53 was referred to the Engrossing Committee.

On motion of Lockey, Hon. A. J. Davidson was granted an indefinite leave of absence from the sessions of the House on account of sickness.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred House Bills Nos. 70, 77, 79, 83, 84, 86, 87 and 88, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received.

The following messages were received from the Senate:

SENATE CHAMBER,  
Helena, Montana, January 31, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 5, 21 and 22 have passed the Senate, and they are herewith transmitted.

H. B. No. 54 has been concurred in by the Senate, and the same is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Power, S. B. No. 34—An act to require railroad corporations, when they fence their right of way, or where they have already fenced it, to leave or make certain openings therein, and to provide a penalty for the violation thereof.

Also, S. B. No. 35—A bill for an act authorizing cities and towns to incur indebtedness and to issue warrants or bonds therefor.

By Gibson, S. B. No. 36—An act to transfer the Miscellaneous Division of the Montana State Library to the library of the Historical Society of the State of Montana, and to the care and custody of its officers.

Also, S. B. No. 37—An act making appropriation for the support and maintenance of the Historical Society of the State of Montana.

Hoffman, by consent, without having given previous notice, introduced S. B. No. 38—A bill to increase the number of Justices of the Supreme Court to five, defining their duties and powers, and fixing their compensation.

Cullen gave notice of a bill for an act to regulate the sale and redemption of transportation tickets of common carriers.

Very respectfully,

DAVID MARKS, Secretary.

On motion of Rose, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 1, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were found present except Davidson, Dudley and Murphy.

Prayer by the Chaplain.

Journal of the thirtieth day read and approved.

Scharnikow, Chairman of the Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 4 as correctly enrolled.

E. SCHARNIKOW, Chairman.

The following notices of the introduction of bills were given:

By Goodell—A bill to prohibit the sale or giving of cigarettes or tobacco to children.

By Losee—A bill entitled "An act for the protection of agricultural and racing associations."

The Speaker announced that he was about to sign an act to create the County of Valley, defining its boundaries and provide for its organization, and he did so sign the same in the presence of the House.

The Speaker made the following references of bills:

House Bills Nos. 74 and 80, to Committee on Ways and Means.

H. B. No. 70, to Committee on Privileges and Elections.

House Bills Nos. 77, 79 and 83, to Committee on Appropriations and Claims.

H. B. No. 84, to Committee on Ways and Means.

H. B. No. 86, to Committee on Labor,

H. B. No. 87, to Committee on State Institutions.

H. B. No. 88, to Committee on Judiciary.

Reports of committees:

Smalley, Chairman of Committee on Towns, Counties and Highways, made the following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 52, being a bill for "An act to create the County of Bear Paw, to define its boundaries and provide for its organization, and the election of officers thereof," respectfully report the same back and recommend that it do pass with the following amendments:

Strike out the name "Bear Paw" in the title of said bill, and insert the name "Blaine" in lieu thereof.

Strike out the words "Bear Paw" wherever it appears in said bill, and insert in lieu thereof the word "Blaine."

Strike out the name "A. H. Riser," on line 59 of printed bill, and insert in lieu thereof the name "J. W. Stain."

Strike out the name "C. H. Barton," on line 62 of printed bill, and insert in lieu thereof the name "John Maney."



Strike out the name "Clara Lenard," found in line 67 of printed bill, and insert in lieu thereof the name "Miss Claire Leonard."

Respectfully submitted, SMALLEY, Chairman.

The report was received and H. B. No. 52 placed on general orders.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom were referred House Bills Nos. 27, 64 and 89, would respectfully report the same as having been correctly printed. WALKUP, Chairman.

The Speaker announced the following references of bills:

H. B. No. 64 to the Committee on Towns, Counties and Highways.

Substitute for H. B. No. 27 to the Committee on State Institutions,

H. B. No. 89 to the Committee on Mines and Miners.

The Committee on Engrossment made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 16 as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

The report was received and H. B. No. 16 was placed on file for third reading.

On motion of Burrell, further consideration of H. B. No. 90 was dispensed with.

Introduction of bills:

On motion of Babcock, by unanimous consent, he was allowed to introduce H. B. No. 105, "An act appropriating money for the relief of John R. Eardley, for services rendered the State of Montana," without previous notice. Read first and second times and referred to the Committee on Printing.

By Bach, H. B. No. 98—An act to provide a State Examiner for the State of Montana, to define his duties and powers and to provide for his compensation. Read first and second times and referred to Printing Committee.

Also, H. B. No. 99—An act concerning building and loan associations,

Also, H. B. No. 100—An act to appropriate money for the furnishing of the office of the Clerk of the Supreme Court.

Nos. 99 and 100 read first and second times and referred to Printing Committee.

By Laurence, H. B. No. 101—An act to amend Section 321 of the First Division of the Compiled Statutes of Montana. Read first and second times and referred to Printing Committee.

By Walkup, H. B. No. 102—An act to authorize the amendment of certificates of incorporation of railroad corporations. Read first and second times and referred to Printing Committee.

By Fleming, H. B. No. 103—An act to protect the interests of the stockholders in mining companies and corporations. Read first and second times and referred to Printing Committee.

By Tallant, H. B. No. 104—A bill for an act to amend Chapter XXII, Fifth Division of the Compiled Statutes of Montana, relating

to municipal corporations and amendments thereto, approved September 18, 1887; also, amendments thereto, approved March 13, 1889. Read first and second times and referred to Printing Committee.

By Metzel, H. B. No. 106—An act to amend Section 5 of "An Act to Provide Fees and Compensation for the Several County Officers in the Counties of Montana," approved March 18, 1889. Read first and second times and referred to the Printing Committee.

By Scharnikow, H. B. No. 107—An act to provide for the registration of electors and to prevent fraud at elections.

On motion of Scharnikow, the first and second readings of the bill were dispensed with and the bill referred to the Printing Committee.

Scharnikow, Chairman of the Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 54 as correctly enrolled.

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign H. B. No. 54, "An act appropriating certain money for the care and keeping of State convicts," and he signed the same in presence of the House.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator,

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 1, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

Paired: Burrell and Dudley, C. H. Bray and Murphy.

For Wilbur F. Sanders: Annear, Babcock, Benson, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For William A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—17.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson, Dudley, Murphy.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 23 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Buford, the joint session dissolved.

12:07 P. M.

House resumed.

The Speaker in the chair.

S. B. No. 5 was read first and second times and referred to Judiciary Committee.

On motion of Kilgallon, House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed.

The Speaker in the chair.

The Speaker announced that he was about to sign an act to repeal an act with reference to estrays upon public domain, and he signed the same in presence of the House.

S. B. No. 22 was read first and second times and referred to Committee on Ways and Means.

S. B. No. 21 was read first and second times and referred to Committee on Ways and Means.

H. B. No. 16 was read a third time, and on motion of Fitzgerald, was recommended to the Engrossing Committee with instructions to change the name of County from Bitter Root to that of Ravalli.

Wilson, Chairman of Engrossing Committee, made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report Substitute H. B. No. 53 as correctly engrossed.

WILSON, Chairman.

H. B. No. 53 was placed on file for third reading.

On motion of Lewis, H. B. No. 31 was taken from general orders and referred to the Enrolling Committee.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Laurence in the chair.

3:35 P. M.

House resumed.

The Speaker in the chair.

Laurence, Chairman of the Committee of the Whole, was granted further time to report.

On motion of A. F. Bray, the House resolved itself into a Committee of the Whole for the consideration of general orders, Laurence in the chair.

4:30 P. M.

House resumed.

The Speaker in the chair.

Laurence, Chairman of the Committee of the Whole, made the following report:



*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 28, 44 and 55, report that they have had the same under consideration and report the same back as follows:

That House Bills Nos. 28 and 44 do pass with the following amendments.

That H. B. No. 55 do pass without amendment.

D. LAURENCE, Chairman.

Amend H. B. No. 28, Section 1, line 3, after the figures 1889, the words "and up to and including the date of the passage of this act." Monteath.

We recommend that H. B. No. 28 be amended by striking out in line 9 of Section 1, after the word "office," the words "where he has acted in good faith." Judiciary Committee.

Amend H. B. No. 44 by striking out Section 2 thereof and substituting the following:

"Section 2. This act shall take effect and be in force from and after the first day of April, 1893." Judiciary Committee.

The report of the committee was adopted, and House Bills Nos. 28, 44 and 55 were referred to the Committee on Engrossment,

Scharnikow, Chairman of the Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment, beg leave to report that they have this February 1, 1893, at 2:30 P. M., delivered to Governor J. E. Rickards the following House bills—to-wit: House Bills Nos. 26, 54 and 4—for his approval,

E. SCHARNIKOW, Chairman.

Laurence, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 6, 57 and 39, report the same back with the following recommendations:

That H. B. No. 6 do pass with the following amendments: "Section 2. This act shall take effect on and after the first Wednesday after the first Monday in November, 1894." By Appropriations and Claims Committee.

That H. B. No. 57 do pass without amendment.

That they report progress on H. B. No. 39 and ask leave to sit again.

D. LAURENCE, Chairman.

The report was adopted and House Bills Nos. 6 and 57 were referred to the Committee on Engrossment.

A petition was received from residents and taxpayers of the proposed new county of Broadwater, asking for the formation of said county. Referred to the Committee on Towns, Counties and Highways.

The following concurrent resolution was received from the Governor of the State of Nevada, duly certified to as a correct copy by the Secretary of State of said State:

*Resolved by the Assembly, the Senate concurring,* That, irrespective of party affiliations, we hereby send cordial greeting to the Legislatures of the States of Colorado, Idaho and Montana, and ask their co-operation in all measures calculated to secure the free and unlimited

coinage of silver and the advancement of the mining interests of States and Territories generally, and especially in the election of no man to the United States Senate who is not the honest and earnest friend of the free and unlimited coinage of silver.

*Resolved*, That a certified copy of these resolutions be immediately forwarded by the Secretary of State, under the Great Seal of the State of Nevada, to the presiding officers of the Senate and Assembly of each of the States before named, with the request that the same be read in open session to their respective houses.

Approved: ROSWELL K. CALCORD, Governor.

Attest: O. H. GREY, Secretary of State.

The resolutions were referred to the Committee on Mines and Mining.

On motion of Kilgallon, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTY-SECOND DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 2, 1893.

The House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members were found present except Davidson, Dudley and Leech.

Journal of the thirty-first day read and approved.

The following notices of the introduction of bills were received:

By Tierney—A bill for the location of a State Reform School at White Sulphur Springs.

By A. F. Bray—A bill for an act to regulate corporations engaged in the business of guaranteeing or acting as security for the fidelity of persons in public and private offices, employments or positions, and the agents of such corporations, and prescribing penalties for failure to comply with the provisions thereof.

By Fitzgerald—A Joint Memorial to the Congress of the United States, praying that action may be taken towards the annexation of, or the establishment of a protectorate over, the Hawaiian Islands.

The following bills were introduced:

By Committee on Railroads and Transportation, H. B. No. 108—An act to regulate the receiving and transportation of freight and passengers on railroads in this State.

Also, H. B. No. 109—An act to provide for the establishment of a Board of Railroad Commissioners, and define their powers and duties.

Both bills were read first and second times and referred to Printing Committee.

By McDonel, H. B. No. 110—An act to create the County of Granite, to define its boundaries and to provide for its organization and



government. Read first and second times and referred to Committee on Printing.

By Losee, H. B. No. 111—A bill for an act for the protection to agricultural and racing associations. Read first and second times and referred to Printing Committee.

By Logue, H. B. No. 112—An act entitled "An act providing for the stamping of gold and silver bullion into tokens of various weights and sizes." Read first and second times and referred to Committee on Printing.

Reports of committees:

By Wilson, Chairman of Committee on Engrossment:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report House Bills Nos. 6, 16, 28, 44, 55 and 57 as correctly engrossed.  
WILSON, Chairman.

Report received and House Bills Nos. 6, 16, 28, 44, 55 and 57 were placed on file for third reading.

The following communication was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, February, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 3, a bill for an act to establish, locate, maintain and govern the University of the State of Montana, has passed the Senate, and the same is herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

S. B. No. 3 was read first and second times and referred to Committee on State Institutions.

H. B. No. 5 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—47.

Noes—None.

Title agreed to.

H. B. No. 16 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—None.

Title agreed to.

H. B. No. 28 was read a third time and passed by the following vote:



Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—47.

Noes—None.

Title agreed to.

H. B. No. 44 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—45.

Noes—Benson, Burrell, Kilgallon, Lockey, Metzel, Murphy—6.

Title agreed to.

H. B. No. 55 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—49.

Noes—None.

Title agreed to.

H. B. No. 57 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Winter, The Speaker—46.

Noes—None.

Title agreed to.

On motion of Lockey, the House took a recess of 5 minutes.

11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 2, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12.M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For Wm. W. Dixon: Eggleston, Gibson, Matts—3.

The following pairs were announced in the House: Dudley and Burrell, Leech and Lockhart.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For W. A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—17.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson, Dudley, Leech.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 23 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Goddard, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

Scharnikow, Chairman of Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 31 as correctly enrolled.

SCHARNIKOW, Chairman.

The report was received, and the Speaker announced that he was about to sign "An act to amend 'An Act to Prescribe the Duties and Compensation of Officers and Employes of Each House of the Legislative Assembly,'" and he signed the same in the presence of the House.

Bach, Chairman of Judiciary Committee, made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 15, entitled "An act concerning licenses," and H. B. No. 51, entitled "An act defining a felony," beg leave to report the same back to your honorable body with the following recommendations:

We recommend that H. B. No. 15 be referred back to the Committee on Ways and Means, for the following reasons:

The bill having been referred to the said Committee on Ways and Means, was by that committee reported back with the recommendation that the same be referred to the Committee on Judiciary.

We are of the opinion that all that can be considered by this committee in such a bill is its constitutionality, and not the propriety of the bill, the latter being within the proper action of the Committee on Ways and Means, and we see nothing unconstitutional in the bill.

We recommend that H. B. No. 51 be amended as follows:

Amend the title of said bill by striking out the words "An act defining a felony," and insert in lieu thereof the following: "An act to prevent the corrupt solicitation of members of the Legislative Assembly and other public officers,"

Amend Section 1 thereof to read as follows:

Section 1. Any person elected to either house of the Legislative Assembly who shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced into the Legislative Assembly, in consideration or upon condition that any other person elected to the same Legislative Assembly will give, or promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, shall be deemed guilty of solicitation of bribery. Any member of the Legislative Assembly who shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced into such Legislative Assembly, or offer, promise or assent to, upon condition that any other member will give, or promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such Legislative Assembly, shall be deemed guilty of bribery.

Amend Section 2 of said bill to read as follows:

Section 2. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the Legislative Assembly, to influence him in the performance of any of his official or public duties, shall be deemed guilty of bribery.

Amend said bill by adding the following:

Section 3. Any person or persons who shall give or promise, or offer to give or promise, any member of either house of the Legislative Assembly any money, office, paper or property, or other valuable



thing, or shall offer to do for such member, or any member of his family, relative or other person, anything not common to the people of the State, county, township or community in which such person resides, in consideration that such member shall vote in either house of the Legislative Assembly in any given way, or in consideration that such member shall do, or omit to do, anything appertaining to his office or duty as a member of such Legislative Assembly, shall be deemed guilty of bribery.

Section 4. Any person or persons who shall directly or indirectly give any money, property or other valuable thing, or make any promise of any kind whatever, with the intent to have it proffered to such member of the Legislative Assembly to influence his vote or action in connection with his said office by any other person than himself, or shall aid or abet in the commission of the offence described in Sections 2 and 3 of this act shall be deemed guilty of bribery.

Section 5. Every person convicted of violating any of the provisions of this act shall be punishable by imprisonment in the State Penitentiary for a term of not less than five (5) years nor more than twenty (20) years, or by a fine not less than one hundred (\$100.00) dollars or more than five thousand (\$5,000.00) dollars, or by both such fine and imprisonment, and shall be forever disqualified from voting or holding any office in this State; and any member of the Legislative Assembly, or any person elected thereto, who shall be convicted of violating any of the provisions of this act, shall, in addition to the punishment above described, be expelled therefrom.

And we do further recommend that said H. B. No. 51 as amended in this report do pass,

THOS. C. BACH,

Chairman of the Committee on Judiciary.

Report was received, and H. B. No. 51 was placed on general orders.

H. B. No. 115 was referred to Committee on Ways and Means.

Walkup, Chairman of Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. J. M. No. 4, House Bills Nos. 85, 92 and 93, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

Report was received, and the Speaker made the following announcement of reference of bills:

H. B. No. 85 to Committee on Mines and Minerals.

H. B. No. 92 to Committee on Education.

H. B. No. 93 to Committee on Ways and Means.

On motion of Huffman, and by unanimous consent, the Rules were suspended and H. J. M. No. 4 was placed on general orders.

Message from the Governor:

Helena, Montana, February 2, 1893.

*Mr. Speaker and Gentlemen of the House of Representatives:*

I have the honor to inform you that I have this day approved and

signed H. B. No. 54, being "An act appropriating moneys for the care and keeping of State convicts." Respectfully,

J. E. RICKARDS, Governor.

On motion of Lewis, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 3, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were found present except Burrell, Davidson, Dudley and Leech.

Prayer by the Chaplain.

Journal of the thirty-second day read and approved.

A petition was received from the County Central Committee of the People's Party of Deer Lodge County protesting against the division of Deer Lodge County. Referred to the Committee on Towns, Counties and Highways.

A petition was received from J. W. Power protesting to the proposed new county of Bear Paw. Referred to Committee on Towns, Counties and Highways.

The following notices of introduction of bills were given:

By Metzel—*Mr. Speaker*: I will on to-morrow, or some future day, introduce a bill entitled "An act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary range."

Reports of committees:

By Walkup—*Mr. Speaker*: Your committee, to whom were referred H. J. M. No. 5, substitute for H. B. No. 82 and H. B. No. 91, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

H. J. M. No. 5 was referred to the Committee on Mines and Minerals.

Substitute H. B. No. 82 was referred to the Committee on Appropriations and Claims.

H. B. No. 91 was referred to the Committee on State Institutions.

By Sappington—*Mr. Speaker*: Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 62, beg leave to report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out all words after "horses" in title of bill.

Amend Section 3 by striking out the words "six months" in line 23, and insert in place thereof the words "twelve months."

Strike out Sections 4 and 5.

Strike out the figure "6" in line 37, after the word "Sect.," and insert in place thereof the figure "4."

(Signed)

SAPPINGTON.  
WARD,  
TRUMAN.  
METZEL.  
LOCKHART.  
McKAY.

H. B. No. 62 was placed on general orders.

By Smalley—Your Committee on Towns, Counties and Highways, to whom were referred House Bills Nos. 29, 47, 48, 63 and 69, having had the same under consideration, respectfully report said bills back with the following recommendations:

That H. B. No. 47 do not pass.

That H. B. No. 48 do not pass.

That H. B. No. 29 be referred to Judiciary Committee,

That H. B. No. 63 do not pass.

That H. B. No. 69 be referred to Judiciary Committee.

Respectfully submitted, SMALLEY, Chairman.

House Bills Nos. 29 and 69 were referred to Judiciary Committee.

House Bills Nos. 47, 48 and 63 were placed on general orders.

By Bonner—*Mr. Speaker*: Your Committee on Labor, to whom was referred H. B. No. 50, respectfully report the same back to your honorable body with the recommendation that it do pass.

BONNER, Chairman.

H. B. No. 50 was placed on general orders.

By Fitzgerald—*Mr. Speaker*: Your Committee on Federal Relations, to whom was referred H. J. M. No. 1, having reference to the election of United States Senators by popular vote, recommend that the same do pass.

FITZGERALD, Chairman.

H. J. M. No. 1 was placed on general orders.

By A. F. Bray—*Mr. Speaker*: Your Committee on State Institutions have carefully considered H. B. No. 87, and respectfully return the same to the House, and recommend that it do pass.

A. F. BRAY, Chairman.

Also—

*Mr. Speaker*: Your Committee on State Institutions, to whom was referred H. B. No. 42, respectfully refer the same back to the House with the information that the member by whom it was introduced desires to withdraw the bill. Your committee therefore recommend that the bill be laid on the table. A. F. BRAY, Chairman.

H. B. No. 87 was placed on general orders.

H. B. No. 42 was laid on the table.

By Lockey—*Mr. Speaker*: Your Committee on Ways and Means have examined H. B. No. 80, and report same back to the House with the recommendation that it do pass with amendments suggested as follows, to-wit:

In line 5 in Section 2, strike out the words "and when requested by the person paying tax, a brief," and substitute in lieu thereof the words "together with a."

LOCKEY, Chairman.



Also—

*Mr. Speaker:* Your Committee on Ways and Means have carefully considered H. B. No. 84, and respectfully report same back to the House with the recommendation that it do pass.

LOCKEY, Chairman.

Also—

*Mr. Speaker:* Your Committee on Ways and Means have considered H. B. No. 93, and respectfully report the same back to the House with recommendation that it be referred to the Judiciary Committee with the request that they pass upon the constitutionality and legality of the proposed act.

LOCKEY, Chairman.

House Bills Nos. 80 and 84 placed on general order.

H. B. No. 93 referred to Judiciary Committee.

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, February 3, 1893, at 10:20 A. M., delivered to Governor J. E. Rickards, H. B. No. 31 for his approval.

SCHARNIKOW, Chairman.

The following bills were introduced:

By A. F. Bray, H. B. No. 113—An act to regulate corporations engaged in the business of guaranteeing or acting as security for the fidelity of persons in public and private offices, employments or positions, and the agents for such corporations, and prescribe penalties for the failure to comply with the provisions thereof. Read first and second times and referred to Printing Committee.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Gibson, S. B. No. 39—A bill for an act to authorize corporations to change their corporate names.

By Cullen, S. B. No. 40—A bill for an act to regulate the sale and redemption of transportation tickets of common carriers.

Senate Bills Nos. 6, 16 and 24 have passed the Senate and they are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Senate Bills Nos. 6, 16 and 24 were read first and second times.

S. B. No. 6 was referred to the Committee on State Institutions.

S. B. No. 24 was referred to the Judiciary Committee.

On motion of Tallant, and by unanimous consent of the House, the rules were suspended and S. B. No. 16 was substituted in place of H. B. No. 41 and placed on general orders.

Substitute for H. B. No. 53 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—46.

Noes—Metzel—1.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of general orders.

11:50 A. M.

House resumed.

The Speaker in the chair.

Scharnikow, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker.* Your Committee of the Whole, having had under consideration House Bills Nos. 39 46 and 34, report as follows:

They recommend that H. B. No. 39 as amended do pass.

As to House Bills 46 and 34 report progress, and ask leave to sit again.

SCHARNIKOW, Chairman.

Report was received and adopted, and H. B. No. 39 was referred to the Engrossing Committee.

On motion of A. F. Bray, the House took a recess of five minutes.

11:57 A. M.

House resumed.

The Speaker in the chair.

Report of committee:

By Bach—*Mr. Speaker.* Your Committee on Judiciary, to whom was referred H. B. No. 17, entitled "An act to legalize certain funding bonds issued by Counties in Montana," and H. B. No. 88, with no title, beg leave to report the same back to your honorable body as follows:

We recommend that H. B. No. 17 do pass.

We recommend that H. B. No. 88 be amended by inserting the following title therein, to-wit: "An act to amend Section 1863 of the Fifth Division of the Compiled Statutes of Montana," and that said bill be then referred to the Committee on Education for further consideration and correction.

THOS. C. BACH, Chairman.

H. B. No. 17 was placed on general orders.

H. B. No. 88 was referred to Committee on Education.

The honorable, the Senate, appearing before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 3, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—2.

The following pairs were announced in the House: Dudley and Burrell, Leech and Lockhart.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Burns, Carpehter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For William A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle, Wilson—17.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson, Dudley, Leech.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 23 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:10 P. M.,

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTY-FOURTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 4, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all the members were present except Annear, Burrell, Davidson, Dudley, Laurence, Leech, Wahle, Ward, Wilson, Matthews.

Journal of the thirty-third day read and approved.

The following notices of the introduction of bills were given:

By A. F. Bray—A bill providing for the submission to the people at the next general election of an amendment to Article V of the Constitution of Montana, concerning the Legislative Department of the State Government,

By Lockey—A bill to prohibit the sale of intoxicating liquors within three miles of any University.



By Goodell—A bill to prevent people from leaving barbed wire in dangerous positions.

By Metzel—A bill entitled "An act with reference to driving stock into or through the State of Montana."

By A. F. Bray—A bill for an act to provide for the depositing of State and County funds in the banks of the State.

The following reports of committees were received:

By Kilgallon—*Mr. Speaker*: Your Committee on Mines and Minerals, to whom was referred H. J. M. No. 5, beg leave to report the same back with recommendation that it be placed on general orders.

H. J. M. No. 5 was placed on general orders.

By Walkup—*Mr. Speaker*: Your committee, to whom was referred House Bills Nos. 96, 97 and 102, would respectfully report the same as having been correctly printed.

The Speaker *pro tem*. made the following announcement of the reference of bills:

H. B. No. 96, to Committee on Judiciary.

H. B. No. 97, to Committee on Ways and Means.

H. B. No. 102, to Committee on Incorporations and Manufactures.

By Monteath—Your Committee on Education, to whom were referred House Bills Nos. 66, 72, 76 and 92, respectfully report the same back with the following recommendations:

That H. B. No. 66 do pass with the following amendments:

After the word "days" on line 13 of Section 1, insert the following: "No contract made or entered into in violation of the provisions of this act shall have any force or effect as against the teacher."

After Section 2 add the following:

"Section 3. This act shall take effect and be in force from and after its passage."

That H. B. No. 72 do pass with the following amendments:

Strike out all of Section 1 and insert the following:

"Section 1. That in all cities and towns within the State having a population of one thousand, and not more than five thousand, each school trustee, before entering upon the duties of his office, shall file with the County Clerk, a bond with two or more sufficient sureties in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties as such Trustee. Such bond shall run in the name of the School District for which the Trustee shall be elected, and shall be approved by, and filed with the County Clerk: *Provided*, That in all cities or towns in this State having a population of more than five thousand, such bond shall be in the penal sum of two thousand dollars."

Strike out all of Section 2 and renumber Section 3 so that it will read "Section 2."

Add Section 3, as follows:

"Section 3. This act shall take effect and be in force from and after its passage."

That H. B. No. 76 do pass with the following amendments:

Strike out the words "this section," found on line 12 of Section 1, and insert in lieu thereof the word "law."

After Section 2 add Section 3, as follows:

“Section 3. This act shall take effect and be in force from and after its passage.”

That H. B. No. 92 do pass with the following amendment:

After Section 3 add Section 4, as follows:

“Section 4. This act shall take effect sixty days after its passage.”

Respectfully submitted, MONTEATH, Chairman.

House Bills Nos. 66, 72, 76 and 92 were placed on general orders.

By Engrossing Committee—

*Mr. Speaker:* Your Committee on Engrossment would respectfully report H. B. No. 39 correctly engrossed.

BUTLER, Chairman.

H. B. No. 39 was placed on file for third reading.

By Lockey—Your Committee on Ways and Means have carefully considered H. B. No. 74, entitled “An act to amend Sections 96, 99, 100, 101, 102, 105, 107 and 121 of ‘An Act Concerning Revenue,’ approved March 6, 1891,” and report the same back to the House with the recommendation that it do pass with the following amendments:

On lines 1 and 2 of Section 99, strike out the words “second Monday in March, June, September and December,” and insert in lieu thereof “second Monday in June and December and first Monday in March and September.”

LOCKEY, Chairman.

H. B. No. 74 was placed on general orders.

By Walkup—*Mr. Speaker:* Your committee, to whom was referred House Bills Nos. 94, 95, 99, 100 and 105, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

H. B. No. 99 was referred to the Committee on Incorporations and Manufactures.

H. B. No. 105 was placed on general orders by unanimous consent.

H. B. No. 95 was referred to the Committee on Apportionment and Representation.

H. B. No. 100 was referred to the Committee on Apportionment and Claims.

H. B. No. 94 was referred to the Committee on Labor.

On motion of Lewis, it was ordered that when the House do adjourn it adjourn until 11:30 A. M. on Monday.

The House resolved itself into a Committee of the Whole for the consideration of the general orders, Bonner in the chair.

10:50 A. M.

House resumed.

The Speaker *pro tem.* in the chair.

Bonner, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 46, 34 and 35, beg leave to report the same back as follows:

That H. B. No. 46 do not pass.

That House Bills Nos. 34 and 35 do pass as read.

BONNER, Chairman.

The report was adopted.

H. B. No. 46 was laid on the table.

House Bills Nos. 34 and 35 were ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 3, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 13 has been indefinitely postponed.

Senate Bills Nos. 4 and 23 and S. J. R. No. 1 have passed the Senate, and they are herewith transmitted.

Folsom gave notice of "A bill for an act to establish, locate and govern the State Normal School at Dillon."

Very respectfully, DAVID MARKS, Secretary.

S. B. No. 4 was read first and second times and referred to the Committee on State Institutions,

S. B. No. 23 was read first and second times, and, on motion of Carpenter, and by unanimous consent, the rules were suspended, the bill read second time by title, and referred to the Committee on State Institutions.

S. J. R. No. 1 was read first and second times and referred to the Committee on Immigration.

On motion of Goodell, H. B. No. 39 was taken from the third reading file and recommitted to the Committee of the Whole.

On motion of Monteath, and by unanimous consent, the rules were suspended, and H. J. M. No. 1 was taken from general orders, considered engrossed and placed upon its third reading.

H. J. M. No. 1 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Walkup, Winter—40.

Noes—None.

Title agreed to.

On motion of Swett, H. B. No. 2 and Substitute H. B. No. 2 were made a special order for 2 P. M. Monday.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Fitzgerald in the chair.

11:55 A. M.

House resumed.

The Speaker *pro tem.* in the chair.

Fitzgerald, Chairman of the Committee of the Whole, reported having had under consideration S. B. No. 10 and House Bills Nos. 67 and 58, reported progress and asked leave to sit again.

Report was adopted.



The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 4, 1893.

Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President announced the following pairs: Senators Baylies and Cullen until Tuesday next at 12 M.; Senators Cardwell and Folsom until session of Monday next; Senators Hoffman and Power until session of Tuesday next.

The ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Brown, Goddard, Hatch, Swift—4.

For William A. Clark: Buford, McDermott, Steele—3.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker *pro tem.* announced the following pairs in the House: Dudley and Burrell until Dudley returns; Leech and Lockhart; Wahle and Tallant; Laurence and Wilson; Annear and Matthews; Huffman and Ward.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Babcock, Benson, C. H. Bray, Burns, Carpenter, Coder, Fleming, Goodell, Graves, Jeffers, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Van Cleve, Winter—20.

For William A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman—15.

For William W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Smalley, Walkup, The Speaker *pro tem.*—7.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 24 votes.

William A. Clark, 18 votes.

William W. Dixon, 10 votes.

There being no choice, the President declared no election.

On motion of Senator Matts, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

On motion of Tallant, the House resolved itself into a Committee of the Whole for the consideration of general orders, Fitzgerald in the chair.

12:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Fitzgerald, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 16 and House Bills Nos. 67 and 58, report the same back as follows:

We recommend that S. B. No. 16 as amended be concurred in, and that H. B. No. 67 be referred to the Judiciary Committee as to its constitutionality, and that H. B. No. 58 do pass as read.

FITZGERALD, Chairman.

The report was adopted.

H. B. No. 58 was referred to the Engrossing Committee.

S. B. No. 16 was placed on file for third reading.

H. B. No. 67 was referred to the Judiciary Committee.

On motion of C. H. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTY-SIXTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 6, 1893.

House met pursuant to adjournment at 11:30 A. M.

The Speaker in the chair.

Roll called and all members were found present except Ash, Burrell, Davidson, Dudley, Graves, Leech and Martin.

Prayer by the Chaplain.

Journal of the thirty-fourth day read and approved.

The following notices of the introduction of bills were given:

By Benson—A bill for an act to establish, maintain and locate a State Reform School at White Sulphur Springs, Meagher County.

By Lockhart—A bill for an act creating a school for the deaf and dumb, and locating the same.

By Carpenter—A bill entitled "An act to provide the conditions upon which foreign corporations may do business in this State."

By Tallant—A bill for an act to amend Section 4 of "An Act Concerning Compensation of County, District and Township Officers" of the Laws of 1891.

By Logue—A bill for an act to amend Sections 40 and 41 of an act entitled "An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands," approved March 6, 1891.

The following reports of committees were made:

By Committee on Engrossment—*Mr. Speaker:* Your Committee on Engrossment beg leave to report House Bills Nos. 34, 35 and 58 as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

House Bills Nos. 34, 35 and 58 were placed on file for third reading.

By Walkup—*Mr. Speaker:* Your Committee, to whom were referred House Bills Nos. 98 and 101, would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

H. B. No. 98 was referred to the Committee on State Boards and Officers.

H. B. No. 101 was referred to the Committee on Judiciary.

By Lockey—*Mr. Speaker*: Your Ways and Means Committee, to whom was referred H. B. No. 97, report the same back to the House with the recommendation that it do pass.

LOCKEY, Chairman.

H. B. No. 97 was placed on general orders.

By Huffman—*Mr. Speaker*: Your Committee on Irrigation and Water Rights have carefully considered H. B. No. 12, and respectfully report the same to the House with the recommendation that it do not pass.

L. A. HUFFMAN, Chairman.

TRUMAN.

GOODELL.

WARD.

H. B. No. 12 was placed on general orders.

On motion of A. F. Bray, the House took a recess until the arrival of the Senate.

11:57 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 6, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President announced the following pairs in the Senate:

Senators Baylies and Cullen until Tuesday next at 12 M.

Senators Hoffman and Power until Tuesday next at 12 M.

Senators Buford and Hatch until Tuesday next at 12 M.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Wilbur F. Sanders: Brown, Folsom, Goddard, Swift—4.

For William A. Clark: Cardwell, McDermott, Steele—3.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House:

Dudley and Burrell until the return of Dudley.

Burns and Martin until the return of Martin.

Leech and Lockhart until the return of Leech.

Laurence and Wilson until the return of Laurence.

Scharnikow and Graves until the return of Graves.

Van Cleve and Ash until the return of Ash.

The ballot of the House resulted as follows:



For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Carpenter, Coder, Fleming, Goodell, Huffman, Jeffers, Lockey, Losee, McKay, Metzel, Lewis, Monteath, Rose, Tallant, Winter, Swett—20.

For William A. Clark: Bach, Beecher, Butler, Fitschen, Kilgallon, Logue, Loring, McDonel, Murphy, Sappington, Tierney, Truman, Wahle—13.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 24 votes.

William A. Clark, 16 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator McDermott, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present,

The House resolved itself into a Committee of the Whole to consider H. B. No. 2 and substitute, Tallant in the chair.

2:30 P. M.

House resumed.

The Speaker in the chair.

Tallant, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 2 and substitute, recommend that the substitute for H. B. No. 2, as amended, do pass.

The report was adopted and the substitute for H. B. No. 2 referred to the Engrossing Committee.

The following bills were introduced:

By A. F. Bay, H. B. No. 114—An act to provide for the depositing of State and County funds in the banks of the State. Read first and second times and referred to Printing Committee.

Also, H. B. No. 115—An act amending Article V of the Constitution relating to the Legislative Department. Read first and second times and referred to Printing Committee.

By Lockey, H. B. No. 116—An act prohibiting the sale of intoxicating liquors within three miles of any University. Read first and second times and referred to Printing Committee.

By Metzel, H. B. No. 117—An act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary range. Read first and second times and referred to Printing Committee.

Also, H. B. No. 118—An act with reference to the driving of stock into or through the State of Montana. Read first and second times and referred to Printing Committee.

The following message was received from the Governor:

EXECUTIVE OFFICE,  
Helena, Montana, February 6, 1893.

*To the Speaker and Members of the House of Representatives.*

Gentlemen—In my message to the Third Legislative Assembly of the State of Montana, delivered to your honorable body January 5, 1893, estimates were made as to the amount of money required to be raised by taxation for all purposes. This was made my duty by Article VII, Section 10 of the Constitution. At that time, however, I promised to submit to you at a later date a more specific statement relative to the financial requirements of the State, based upon a careful estimate of the expenditures of the various departments for the fiscal years ending November 30, 1893, and November 30, 1894, respectively. I herewith communicate to your honorable body the following estimates in detail. You will observe I have not included in these estimates any sum for new offices which may be created by you; neither have I taken into account sums necessary to cover the expenses of the Legislative Department, World's Fair Appropriation, Enlarging the Penitentiary, and other items depending upon legislation enacted by you:

#### EXECUTIVE DEPARTMENT.

1893.

Estimated expense for the Governor's office:

Salary of Governor.....	\$5,000
Salary of Governor's Private Secretary.....	2,400
Office expense account.....	600
	<hr/>
	\$8,000

1894.

Salary of Governor.....	\$5,000
Salary of Governor's Private Secretary.....	2,400
Office expense account.....	600
	<hr/>
	\$8,000

In behalf of other certain departments we submit the following estimates:

#### NATIONAL GUARD OF MONTANA.

1893.

For the National Guard.....	\$10,000
Encampment National Guard.....	15,000
	<hr/>
	\$25,000

1894.

For the National Guard.....	\$10,000
Encampment National Guard.....	15,000
	<hr/>
	\$25,000

## MISCELLANEOUS.

1893.

Rent of State offices and Janitor.....	\$4,000
Rewards .....	2,000
Requisitions .....	1,000
For insurance on State property, for three years.....	400
For printing notices, State Furnishing Board.....	300
For Custodian Fort Ellis Reservation.....	600
Deaf, Dumb and Feeble-Minded.....	7,000
Mineral Land Commissioner.....	3,000
Expense account, Mineral Land Commissioner.....	3,000
For Custodian State Arsenal and property.....	1,200
	<hr/>
	\$22,500

1894.

Rent of State offices and Janitor.....	\$4,000
Rewards .....	2,000
Requisitions .....	1,000
For insurance on State property, for three years (not required) .....	.....
For printing notices, State Furnishing Board.....	300
For Custodian Fort Ellis Reservation.....	600
Deaf, Dumb and Feeble-Minded.....	7,000
Mineral Land Commissioner.....	3,000
Expense account, Mineral Land Commissioner.....	3,000
For Custodian State Arsenal and property.....	1,200
	<hr/>
	\$22,100

## SECRETARY OF STATE.

1893.

Estimated expense of the Secretary of State's office:

Salary of the Secretary of State .....	\$3,000
Salary of Clerk .....	1,500
Salary of extra Clerk .....	600
For indexing Laws of 1893.....	300
For office expenses .....	500
For office supplies, envelopes, letter heads, stamps, one typewriter, chairs, desks, etc .....	600
For printing report, commissions, certificates, notices.....	600
For printing and binding Laws, 1893.....	1,500
For printing and binding House and Senate Journals, 1893.	800
For printing Laws in newspapers, 1893.....	600
	<hr/>
	\$10,000

1894.

Salary of Secretary of State.....	\$3,000
Salary of Clerk.....	1,500
Salary of extra Clerk.....	600



For office expenses .....	500
For office supplies, envelopes, letter heads, stamps, one type- writer, chairs, desks, etc .....	600
For printing reports, commissions, certificates, notices.....	600
	<hr/>
	\$6,800

## ATTORNEY GENERAL.

1893.

Estimated expense for the Attorney General's office:

For salary of Attorney General .....	\$3,000
For salary of deputy.....	2,000
Office and traveling expense account .....	250
Office supplies, <i>i. e.</i> , paper, pencils, pens, etc.....	200
For printing report .....	200
	<hr/>
	\$5,650

1894.

For salary of Attorney General .....	\$3,000
For salary of deputy.....	2,000
Office and traveling expense account .....	250
Office supplies, <i>i. e.</i> , paper, pencils, ink, pens, etc.....	200
For printing report .....	200
	<hr/>
	\$5,650

## STATE TREASURER.

1893.

Estimated expense of the State Treasurer's office:

For salary of State Treasurer .....	\$3,000
For salary of Clerk.....	1,500
For printing report, forms and circulars.....	800
Office and traveling expense account and furniture .....	750
	<hr/>
	\$6,050

1894.

For salary of State Treasurer .....	\$3,000
For salary of Clerk.....	1,500
For printing report, forms and circulars .....	800
Office and traveling expense account and furniture .....	750
	<hr/>
	\$6,050

## STATE AUDITOR.

1893.

Estimated expense for the State Auditor's office:

For salary of State Auditor.....	\$3,000
For salary of Clerk.....	1,500
For printing report, forms and circulars .....	1,300
Office and traveling expense account and furniture.....	500
	<hr/>
	\$6,300

1894.

For salary of State Auditor.....	\$3,000
For salary of Clerk.....	1,500
For printing reports, forms and circulars.....	1,300
Office and traveling expense account and furniture.....	500
	<hr/>
	\$6,300

## STATE LAW LIBRARY,

1893.

Estimated expense for the State Law Library:

For insurance purposes.....	\$ 360
For purchase of books.....	1,000
For salary of Librarian.....	1,080
Office expense account.....	320
For printing report.....	150
	<hr/>
	\$2,910

1894.

For insurance purposes.....	\$ 360
For purchase of books.....	1,000
For salary of Librarian.....	1,000
Office expense account.....	320
For printing report.....	150
	<hr/>
	\$2,910

## STATE BOARD OF LAND COMMISSIONERS.

1893.

Estimated expense for the State Board of Land Commissioners:

Salary State Land Agent.....	\$3,000
Salary of Clerk of Board.....	1,500
Traveling and office expenses .....	1,500
Selecting, platting, leasing, conveying and procuring patent to lands granted to the State by Congress for educational purposes .....	10,000
For printing report of State Land Agent.....	200
For printing report, blanks, etc., of Board.....	600
	<hr/>
	\$16,800

1894.

Salary State Land Agent.....	\$3,000
Salary Clerk of Board.....	1,500
Traveling and office expenses .....	1,500
Selecting, platting, leasing, conveying and procuring patent to lands granted to the State by Congress for educational purposes .....	10,000
For printing report of State Land Agent.....	200
For printing report, blanks, etc., of Board.....	600
	<hr/>
	\$16,800

## STATE BOARD OF EXAMINERS.

1893.

Estimated expense for the State Board of Examiners:

Salary of Clerk of Board.....	\$1,200
For printing notices, books and forms....	250
Stationery and supplies.....	200
	<hr/>
	\$1,650

1894.

Salary of Clerk.....	\$1,200
For printing notices, books and forms.....	250
Stationery and supplies.....	200
	<hr/>
	\$1,650

## STATE BOARD OF PARDONS.

1893.

Estimated expense of the State Board of Pardons:

Salary of Clerk.....	\$1,200
Office and traveling expense account.....	250
Office supply account.....	150
Publishing notices of application for pardon and restoration to citizenship .....	400
For printing report.....	150
	<hr/>
	\$2,150

1894.

For salary of Clerk.....	\$1,200
Office and traveling expense account.....	250
Office supply account.....	150
Publishing notices of application for pardon and restoration to citizenship .....	400
For printing report.....	150
	<hr/>
	\$2,150

## STATE BOARD OF COMMISSIONERS FOR THE INSANE.

1893.

Estimated expense of the State Board of Commissioners for the Insane:

Salary of Clerk.....	\$1,200
Office and traveling expense account.....	250
Office supply account.....	100
For care and keeping of patients in the asylum.....	90,000
For printing report.....	200
	<hr/>
	\$91,750

1894.

Salary of Clerk .....	\$1,200
Office and traveling expense account .....	250
Office supply account .....	100
For care and keeping of patients in asylum.....	100,000
For printing report.....	200
	<hr/>
	\$101,750



## STATE BOARD OF EQUALIZATION.

1893.

Estimated expense of the State Board of Equalization:

Salary of Clerk .....	\$1,500
Office expense account .....	250
Traveling expense account of members .....	1,000
Printing reports, forms and supplies .....	1,500
Office supplies, <i>i. e.</i> , paper, pencils, pens, ink, etc. ....	300
	<hr/>
	\$4,550

1894.

Salary of Clerk .....	\$1,500
Office expense account .....	250
Traveling expense account of members .....	1,000
Printing report, forms and supplies .....	1,500
Office supplies, <i>i. e.</i> , paper, pencils, pens, ink, etc. ....	300
	<hr/>
	\$4,550

## BOARD OF STATE PRISON COMMISSIONERS.

1893.

Estimated expense for the Board State Prison Commissioners:

Salary of Clerk .....	\$1,200
Office and traveling expense account .....	250
Office supply account .....	150
Expense incurred in procuring positions for discharged convicts and transportation to place secured .....	1,000
Care and keeping of convicts in State prison .....	100,000
For school books for prisoners .....	150
For newspapers for prisoners .....	150
One typewriter and two telegraph instruments .....	200
For printing reports, books, etc .....	600
Appropriation for discharged convicts .....	2,500
	<hr/>
	\$106,200

1894.

Salary of Clerk .....	\$1,200
Office and traveling expense account .....	250
Office supply account .....	150
Expense incurred in procuring positions for discharged convicts and transportation to place secured .....	1,000
Care and keeping of convicts in State prison .....	110,000
For school books for prisoners .....	150
For newspapers for prisoners .....	150
For printing report, books, etc. ....	600
Appropriation for discharged convicts .....	2,500
	<hr/>
	\$116,000

## SUPPLY ACCOUNT OF STATE OFFICERS.

1893.

Estimated expense for stationery and office supplies for State officers .....	\$2,000
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1894.

Estimated expense for stationery and office supplies for State officers .....	\$2,000
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## DEPARTMENT OF THE JUDICIARY.

1893.

Estimated expenses for the Department of the Judiciary:

For three Justices of Supreme Court, at \$4,000 each.....	\$12,000
For Stenographer for Justice of Supreme Court.....	1,500
For office supplies.....	600
For Janitor.....	150
For twelve District Judges, at \$3,500 each.....	42,000
For sixteen County Attorneys, the one-half of salary to be paid by the State.....	14,000
	<hr/>
	\$70,250

1894.

For three Justices Supreme Court, at \$4,000 each.....	\$12,000
For Stenographer for Justices Supreme Court.....	1,500
For office supplies.....	600
For Janitor.....	150
For twelve District Judges, at \$3,500 each.....	42,000
For sixteen County Attorneys, the one-half of salary to be paid by the State.....	14,000
	<hr/>
	\$70,250

## CLERK OF THE SUPREME COURT.

1893.

Estimated expense for the Clerk of the Supreme Court:

Salary of Clerk Supreme Court.....	\$2,500
Salary of Deputy.....	500
For printing report.....	125
Office supplies and furniture .....	250
	<hr/>
	\$3,375

1894.

Salary of Clerk Supreme Court.....	\$2,500
Salary of Deputy.....	500
For printing report.....	125
Office supplies and furniture.....	250
	<hr/>
	\$3,375

## MARSHAL OF SUPREME COURT.

1893.

Estimated expenses of Marshal of the Supreme Court:

Salary of Marshal of Supreme Court.....	\$1,300
Office and traveling expense account.....	25
	<hr/>
	\$1,325

1894.

Salary of Marshal Supreme Court.....	\$1,300
Office and traveling expense account.....	25
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	\$1,325

## VETERINARY SURGEON.

1893.

Estimated expense for the Veterinary Surgeon:

Salary of the Veterinary Surgeon.....	\$3,000
Office and traveling expense account.....	1,000
For printing report.....	170
	<hr/>
	\$4,170

1894.

Salary of Veterinary Surgeon.....	\$3,000
Office and traveling expense account.....	1,000
For printing report.....	170
	<hr/>
	\$4,170

## BOILER INSPECTOR.

1893.

Estimated expense for the Boiler Inspector:

Salary of the Boiler Inspector.....	\$2,400
Office, rent and printing account.....	1,000
For printing report.....	125
Salary of Assistant Boiler Inspector.....	1,800
Traveling expense account, Inspector and Assistant.....	2,000
	<hr/>
	\$7,325

1894.

Salary of Boiler Inspector.....	\$2,400
Office, rent and printing account.....	1,000
For printing report.....	125
Salary of Assistant Boiler Inspector.....	1,800
Traveling expense account, Inspector and Assistant.....	2,000
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	\$7,325

## INSPECTOR OF MINES.

1893.

Estimated expense for the Inspector of Mines:

Salary of Inspector of Mines.....	\$2,500
Salary of Deputy Inspector.....	600
Traveling and office expense account.....	2,000
For printing report.....	250
	<hr/>
	\$5,350

1894.

Salary of Inspector of Mines.....	\$2,500
Salary of Deputy Inspector.....	600
Traveling and office expense account.....	2,000
For printing report.....	250
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	\$5,350



## SUPERINTENDENT OF PUBLIC INSTRUCTION.

1893.

Estimated expense for the Superintendent:

Salary of Superintendent of Public Instruction.....	\$2,500
Salary of Clerk of Board of Education .....	1,200
Expense of printing report, forms and circulars .....	1,000
Office expense account, traveling expenses and furniture....	750
	<hr/>
	\$5,450

1894.

Salary of Superintendent of Public Instruction.....	\$2,500
Salary of Clerk of Board of Education .....	1,200
Expense of printing report, forms and circulars.....	1,000
Office expense account, traveling expenses and furniture ...	750
	<hr/>
	\$5,450

## HISTORICAL SOCIETY.

1893.

Estimated expense for the Historical Society:

Salary of Librarian .....	\$900
For printing and binding books and pamphlets .....	750
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	\$1,650

1894.

Salary of Librarian .....	\$900
For printing and binding books and pamphlets .....	750
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	\$1,650

## SHERIFFS.

1893.

Estimated expense for the Sheriffs in transporting convicts to the penitentiary.....	\$10,000
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1894.

Estimated expense of Sheriffs in transporting convicts to the penitentiary .....	\$10,000
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## PRINTING MONTANA REPORTS.

1893.

Estimated expense for printing Montana Reports:

For printing two reports, \$2,250 each.....	\$4,500
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1894.

For printing two reports, \$2,250 each.....	\$4,500
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## RECAPITULATION.

1893.

Governor .....	\$8,000
Miscellaneous .....	22,500
National Guard of Montana .....	25,000
Secretary of State .....	10,000
Attorney General .....	5,650
State Treasurer .....	6,050
State Auditor .....	6,300
State Law Library .....	2,910
State Board of Land Commissioners .....	16,800
State Board of Examiners .....	1,650
State Board of Pardons .....	2,150
State Board of Commissioners for the Insane .....	91,750
State Board of Equalization .....	4,550
Board State Prison Commissioners .....	106,200
Supply account of State officers .....	2,000
Department of the Judiciary .....	70,250
Clerk of Supreme Court .....	3,375
Marshal Supreme Court .....	1,325
Veterinary Surgeon .....	4,170
Boiler Inspector .....	7,325
Inspector of Mines .....	5,350
Superintendent of Public Instruction .....	5,450
Historical Society .....	1,650
Sheriffs .....	10,000
Printing Montana reports .....	4,500
Total for 1893 .....	\$424,905

1894.

Governor's office .....	\$8,000
Miscellaneous .....	22,100
National Guard of Montana .....	25,000
Secretary of State .....	6,800
Attorney General .....	5,650
State Treasurer .....	6,050
State Auditor .....	6,300
State Law Library .....	2,910
State Board of Land Commissioners .....	16,800
State Board of Examiners .....	1,650
State Board of Pardons .....	2,150
State Board of Commissioners for the Insane .....	101,750
State Board of Equalization .....	4,550
Board of State Prison Commissioners .....	116,000
Supply account of State officers .....	2,000
Department of the Judiciary .....	70,250
Clerk of the Supreme Court .....	3,375
Marshal of the Supreme Court .....	1,325
Veterinary Surgeon .....	4,170
Boiler Inspector .....	7,325

Inspector of Mines.....	5,350
Superintendent of Public Instruction.....	5,450
Historical Society.....	1,650
Sherins .....	10,000
Printing Montana Reports.....	4,500

Total for the year 1894..... \$441,105

Respectfully submitted, J. E. RICKARDS, Governor.

On motion of Tallant, the message was ordered spread upon the Journal and referred to the Printing Committee, with instructions to have 500 copies printed as soon as possible for the use of members and for distribution.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that McDermott introduced S. B. No. 41, "A bill for an act appropriating money for the benefit of the Orphans' Homes of Montana."

The Governor has approved S. B. No. 2.

S. B. No. 26 and House Bills Nos. 55 and 57 have passed the Senate, and they are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that notices of the introduction of bills were given as follows:

By Swift—A bill for an act to create the Twelfth Judicial District.

Also, a bill for the location of the State Reform School and to appropriate moneys therefor.

S. B. No. 10 has passed the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

S. B. No. 26 was read first and second times and referred to Committee on State Boards and Officers.

House Bills Nos. 55 and 57 were referred to the Enrollment Committee.

S. B. No. 10 was read first and second times and referred to Committee on Incorporations and Manufactures.

Third reading of bills:

H. B. No. 34 was read a third time and passed by the following vote:

Ayes—Annear, Bach, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Ward, Walkup, Wilson, Winter, The Speaker—39.

Noes—None.

Title agreed to.

H. B. No. 35 was read a third time and passed by the following vote:



Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Coder, Fitzgerald, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Ward, Walkup, Wilson, Winter, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 58 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitzgerald, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Metzel, Monteath, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Ward, Walkup, Wilson, The Speaker—38.

Noes—None.

Title agreed to.

S. B. No. 16 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—42.

Noes—None.

Title agreed to.

Messages from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 6, 1893.

*Mr. Speaker and Gentlemen of the House of Representatives:*

I have the honor to inform you that I have this day approved and signed H. B. No. 26, being "An act to create the County of Flathead, to define its boundaries and provide for its organization and government."

I have also this day approved and signed H. B. No. 4, being "An act to create the County of Valley, to define its boundaries and to provide for its organization."

Respectfully,

J. E. RICKARDS, Governor,

Also—

*Gentlemen:* I return you herewith, without my approval, H. B. No. 31, entitled "An act to amend an act entitled a bill for 'An Act to Prescribe the Duties and Compensation of the Officers and Employes of Each House of the Legislative Assembly.'"

Section 7 of the bill provides that "the Speaker and Speaker *pro tem.* of the House of Representatives and President *pro tem.* of the Senate shall be paid ten dollars per day in lieu of his per diem as a member of the Legislative Assembly." This provision seems to be a clear violation of the constitutional restriction found in the last clause

of Section 5, Article V, of the Constitution of this State, which says that "no Legislative Assembly shall fix its own compensation."

Section 8, Article V, of the Constitution applies with even more directness to this question in the following language: "No member of either House shall, during the term for which he shall have been elected, receive any increase of salary or mileage under any law passed during such term."

Section 29, Article V, of the Constitution says: "No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor after services shall have been rendered or contract made."

This provision lies against such portions of H. B. No. 31 as provide extra compensation for services already rendered.

It therefore becomes my duty to withhold my approval of this bill on constitutional grounds. I recognize much merit in the ends sought to be attained by the passage of this bill, and offer no objections to its equitable measures. No doubt within the wisdom of the Legislative Assembly means can be devised which will not conflict with the Constitution, through which its more desirable features may be retained and all parties in interest treated with the consideration justly their due. Respectfully,

J. E. RICKARDS, Governor.

On motion of Monteath, the House took a recess until 7:30 P. M.

#### EVENING SESSION.

House resumed at 7:30 P. M.

The Speaker in the chair.

Quorum present.

House resolved itself into Committee of the Whole for the consideration of general orders, Kilgallon in the chair.

House resumed.

The Speaker in the chair.

Kilgallon, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 78, 73 and 75, beg leave to report the same back as follows:

That H. B. No. 78 do pass as amended.

That H. B. No. 73 do pass as amended.

That H. B. No. 75 do pass as amended.

Amend H. B. No. 73, commencing on line 16: strike out the words "Members of the Board of County Commissioners nor the Assessor," and insert in lieu thereof "County Official." Tallant.

In line 12, after the words "days, except in counties when the valuation exceeds ten millions," the Board shall not exceed twelve days. Bray, A. F.

Substitute for Section 3, and amendments offered as Section 4.

Section 3. This act shall be in force and take effect on the first day of January, 1894. Monteath.

(Signed), T. S. KILGALLON, Chairman.

Report was received and adopted.



House Bills Nos. 78, 73 and 75 were referred to the Engrossing Committee.

Bray, A. F., moved that a committee of three (3) be appointed to confer with a like committee of the Senate, as to a proper design for a State seal.

Scharnikow, Chairman of the Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report House Bills Nos. 55 and 57 as correctly enrolled,

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign an act appropriating certain moneys for Mitchell and Mussigbrod for interest upon certain claims, authorized by the Second Legislative Assembly of the State of Montana, and he signed the same in the presence of the House.

The Speaker announced that he was about to sign an act appropriating certain money for Conley & McTague, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana, and he signed the same in the presence of the House.

The Speaker appointed A. F. Bray, Murphy and Losee as a Joint Committee on the part of the House on a design for a State seal.

On motion of Monteath, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 7, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the Chair.

Roll called and all members were found present except Burrell, Davidson, Dudley, Laurence, Leech and Martin.

Prayer by the Chaplain.

Journal of the thirty-sixth day read and approved.

Lewis moved that the reports of the Committee on State Institutions regarding House Bills Nos. 8 and 23, and Senate Bills Nos. 3, 4, 6 and 23, be stricken from the Journal of the preceding day and the bills returned to said committee, Carried.

Petitions:

A petition was received from A. C. Fisk, President of the Pan-American Bimetallic Association, regarding the free coinage of silver. Read and referred to the Committee on Mines and Minerals.

A petition was received from A. C. Fisk, President of the State Beet Sugar Association of Colorado, regarding bounty on beet sugar. Read and referred to the Committee on Agriculture and Stock Growing.

The following communication was received:



Helena, Montana, February 5, 1893.

*To the Honorable Members of the Senate and House of Representatives of the State of Montana:*

Gentlemen—I am directed by the Board of Trustees of School District No. 1, comprising the City of Helena, to extend to your honorable body an invitation to visit our new school building at such time as will meet your convenience.

Kindly advise me of the date, and our board will be pleased to escort you through the building. Respectfully,

F. W. ELLIS, Clerk.

The following notices of introduction of bills were given:

By Babcock—A bill appropriating money for the relief of the Montana National Bank for money advanced in payment of salaries and mileage to the members of the First Legislative Assembly of the State of Montana.

By Babcock—A bill providing for payment of interest to Montana National Bank.

By Gorman—A bill prescribing the qualifications of locomotive engineers and providing for the examination thereof.

Reports of committees:

By Babcock—*Mr. Speaker:* Your Committee on Appropriations and Claims have considered H. B. No. 82, and refer the same back to the House with the recommendation that it do pass,

BABCOCK, Chairman.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims have considered H. B. No. 83, and refer same back to the House with the recommendation that it do pass. A. L. BABCOCK, Chairman.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having carefully considered H. B. No. 77, respectfully report the same back to the House with the recommendation that it be referred to the Judiciary Committee, with the request that said committee will pass upon its legality.

A. L. BABCOCK, Chairman.

Also—

*Mr. Speaker:* Your Committee on Appropriations and Claims, having carefully considered H. B. No. 79, embracing a number of claims which should have been passed upon by the last Legislature, respectfully report same back to the House with the recommendation that it do pass.

BABCOCK, Chairman.

The report was received.

House Bills Nos. 82, 83 and 79 placed on general orders.

H. B. No. 77 was referred to the Judiciary Committee.

By Tierney—*Mr. Speaker:* Your Committee on Incorporations and Manufactures, to whom was referred H. B. No. 102, being "An act to authorize the amendment of certificates of incorporations of railroad corporations," having had the same under consideration, respectfully report said bill back and recommend its passage.

W. E. TIERNEY, Chairman.

The report was received.

H. B. No. 102 was placed on general orders.

By Wilson—Your Committee on Engrossment respectfully report the following bills correctly engrossed:

Substitute H. B. No. 2—An act regulating the hours of labor of stationary engineers and fixing penalties for violation thereof.

H. B. No. 73—An act to amend Section 58 and 59 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

H. B. No. 75—An act to amend Section 2, of "An Act Concerning Revenue," approved March 6, 1891.

H. B. No. 78—An act appropriating money for the payment of services rendered by the State Board of Arbitration.

Respectfully submitted, WILSON, Chairman.

Report received.

Substitute H. B. No. 2 and House Bills Nos. 73, 75 and 78 were placed on file for third reading.

By Bonner—*Mr. Speaker*: Your Committee on Labor, to whom was referred H. B. No. 94, an act defining corporations, respectfully report the same back to your honorable body, with the recommendation that it be referred to Committee on Incorporations and Manufactures.

BONNER, Chairman.

Report received.

H. B. No. 94, referred to Committee on Incorporations and Manufactures.

By Lewis—*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred H. B. No. 98, being a bill for "An act to provide a State Examiner for the State of Montana, to define his duties and powers, and to provide for his compensation," having had the same under consideration, respectfully report said bill back and recommend that it do pass. Respectfully submitted,

T. H. LEWIS, Chairman.

The report was received:

H. B. No. 98 was placed on general orders.

By Bach—*Mr. Speaker*: Your Committee on Judiciary, to whom were referred H. B. No. 56, entitled "An act appropriating certain moneys for the payment of repairs and improvements made upon the State Prison buildings by authority of the Board of State Prison Commissioners;"

H. B. No. 67, an act fixing the qualifications of electors upon questions authorizing the raising of money;

H. B. No. 81, an act to protect State property, and

S. B. No. 24, a bill for an act to amend an act entitled "An Act to Provide an Index to District Court Records and Providing for Keeping the Same," approved February 23, 1891—

Beg leave to report the same back to your honorable body as follows:

We recommend that House Bills Nos. 56, 67 and 81 be placed on general orders, and that S. B. No. 24 do pass.

THOMAS C. BACH, Chairman.

The report was received.

House Bills Nos. 56, 67 and 81 and S. B. No. 24 were placed on general orders.

The following bill was introduced:



By Tallant, H. B. No. 119—An act amending Section 4 of "An Act Concerning the Compensation of County, District and Township Officers," of the Laws of 1891. Read first and second times and referred to the Committee on Printing.

On motion of Monteath, all appropriation bills on general orders were made a special order for 2 P. M.

Third reading of bills:

Substitute for H. B. No. 2 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Lewis, Logue, Loring, Losee, McDonel, McKay, Metzel, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, The Speaker—42.

Noes—Annear, Lockey, Winter—3.

Title agreed to.

H. B. No. 75 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Coder, Fitschen, Fleming, Goodell, Gorman, Huffman, Kilgallon, Lockey, Logue, McDonel, Murphy, Sappington, Smalley, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter—30.

Noes—Annear, Bach, Fitzgerald, Jeffers, Lewis, Lockhart, Loring, Losee, Metzel, Rose, Swett, Tallant, The Speaker—13.

Title agreed to.

H. B. No. 78 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, Metzel, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—41.

Noes—None.

Title agreed to.

On motion of Lewis, H. B. No. 73, on file for third reading, was withdrawn and referred to the Engrossing Committee for correction.

The following message was received from the Governor:

EXECUTIVE OFFICE,

Helena, Montana, February 7, 1893.

*To the Honorable Speaker of the House of Representatives:*

I would respectfully request that the Enrolling Committee of your honorable body be instructed to note upon each bill sent to the Executive Office its history, for the information of this office in its consideration; or, if deemed more convenient, to accompany each bill with the original bill bearing such indorsement.

Respectfully,

J. E. RICKARDS, Governor.

On motion of Burke, the House took a recess of ten minutes.



11:55 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

## HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 7, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator with the following result:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon—Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House: Dudley and Burrell until the return of Dudley, Burns and Martin until the return of Martin, Leech and Lockhart until the return of Leech, Laurence and Wilson until the return of Laurence.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Talant, Van Cleve, Winter—22.

For William A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Logue, Loring, McDonel, Murphy, Sappington, Scharnikow, Tierney, Truman, Wahle—15.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 29 votes.

William A. Clark, 21 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Steele, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Bray, the House took a recess until 2 P. M.

## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair,

Quorum present.

The hour having arrived for the special order, including all appropriation bills on the general order file, on motion, the House resolved itself into a Committee of the Whole, Losee in the chair.

2:30 P. M.

House resumed.

The Speaker in the chair.

Losee, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 105, 79, 100, substitute for H. B. No. 82, House Bills Nos. 83 and 56, and report the same back as follows:

We recommend that H. B. No. 105 do pass without amendment.

That H. B. No. 79 do pass with amendments recommended.

That H. B. No. 83 do pass with amendments recommended.

That H. B. No. 100 do pass without amendments.

That substitute for H. B. No. 82 do pass without amendments.

That H. B. No. 56 do pass without amendments.

J. B. LOSEE, Chairman.

The report was adopted.

House Bills Nos. 79, 100, 105, 83 and 56 and substitute for H. B. No. 82 were referred to Engrossing Committee.

The following bills were introduced:

By Carpenter, H. B. No. 120—An act to prescribe the conditions upon which foreign corporations may do business in this State. Read first and second times and referred to Printing Committee.

By Goodell, H. B. No. 121—An act to amend Section 3 of an act entitled "An Act Concerning Licenses," approved March 7, 1891. Read first and second times and referred to Printing Committee.

By the Committee on Public Lands, H. B. No. 122—An act to amend Sections 40 and 41 of an act entitled "An Act to Provide for the Selection, Location, Appraising, Sale and Leasing of State Lands," approved March 6, 1891. Read first and second times and referred to the Committee on Printing.

By the Committee on State Institutions, H. B. No. 123—An act to create a School for the Deaf and Dumb, and provide for the location thereof; also, to provide for the education and maintenance of the blind therein. Read first and second times and referred to the Printing Committee.

The Committee on State Institutions made the following majority and minority reports:

By the Majority—*Mr. Speaker:* A majority of your Committee on State Institutions have carefully considered the substitute for H. B. No. 8, "An act to locate the State Prison and to select a site therefor, and for the erection of a State Prison thereon," and report the same

back to the House with the following amendments, and recommend its passage as amended.

A. F. BRAY, Chairman.

A. L. BABCOCK,

M. GORMAN.

A. O. ROSE.

J. E. MARTIN.

Amendments to H. B. No. 8:

Section 1. In line 2 strike out the word "two" and insert in lieu thereof the word "three."

Section 2. In line 7 strike out the words "twenty, nor more than thirty," and insert in lieu thereof the word "forty."

In line 7 of Section 2 strike out the word "two" after the words "which site shall be within," and insert in lieu thereof the word "three."

In lines 8 and 9, Section 2, strike out the words "three nor more than."

Section 6--Add to Section 6 the following:

*"Provided, however,* That such contract shall not be let, nor shall the construction of the aforesaid State Prison, or of the exterior wall about the same, be commenced until the said Board of State Prison Commissioners shall have received a warranty deed conveying to the State of Montana, free of all cost to said State, a good and sufficient title to the aforesaid land, both agricultural and stone, selected by the said board in accordance with the provisions of Section 2 hereof; and *Provided, further,* That such contract shall not be let, nor such construction be commenced until the said board shall also have received bond in such form and amount in such sureties as said board may direct, to the effect that the said sureties will pay, or cause to be paid, to the State of Montana, upon the demand of said board, any and all sums of money actually paid out, or to be paid out, by the proper officers of said State in transporting to the said City of Billings materials or fixtures now used or being used in or about the present penitentiary, at or near the City of Deer Lodge, in the County of Deer Lodge and State of Montana, and said bond shall further obligate said sureties to pay to the State of Montana, upon the demand of said board, the entire sum of money in excess of the sum of two thousand dollars (\$2,000.00) actually paid out, or to be paid out, by the proper officers of said State, in transporting from the said City of Deer Lodge to the said City of Billings any or all convicts which may at or before the completion of said penitentiary at Billings, or within six months thereafter, be confined in the present penitentiary at Deer Lodge."

Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have considered H. B. No. 49, "An act providing for the establishment and maintenance of a State Reform School," and respectfully report the same back to the House with the recommendation that it do pass.

A. F. BRAY, Chairman.

M. GORMAN,

A. L. BABCOCK.

A. O. ROSE.

J. E. MARTIN.



Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have considered S. B. No. 4, "For the establishment and maintenance and support of the School of Mines," and report the same back to the House with recommendation that it do pass.

A. F. BRAY, Chairman.  
M. GORMAN,  
A. L. BABCOCK.  
A. O. ROSE.  
J. E. MARTIN.

Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have considered S. B. No. 6, "An act providing for the location and establishment of the Agricultural College of the State of Montana, and an experimental station in connection therewith, enumerating its objects and purposes, dedicating lands for the use of the same, providing for the government and control thereof, and accepting and adopting the provisions, donations and benefits contained in the acts of Congress relating thereto," and respectfully report the same back to the House with recommendation that it do pass.

A. F. BRAY, Chairman.  
M. GORMAN.  
A. L. BABCOCK.  
A. O. ROSE.  
J. E. MARTIN.

Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have carefully considered H. B. No. 23, "An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana," and respectfully report the same back to the House with recommendation that the same do pass.

A. F. BRAY, Chairman.  
M. GORMAN,  
A. L. BABCOCK.  
A. O. ROSE.  
J. E. MARTIN.

Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have considered S. B. No. 3, "A bill for an act to establish, locate, maintain and govern the University of Montana," and respectfully report the same back to the House with the recommendation that it do pass.

A. F. BRAY, Chairman.  
M. GORMAN.  
A. L. BABCOCK.  
J. E. MARTIN.  
A. O. ROSE.

Also—

*Mr. Speaker:* A majority of your Committee on State Institutions have considered S. B. No. 23, "A bill for an act establishing the Soldiers' Home for the State of Montana, providing for the manage-

ment thereof and making appropriations therefor," and report the same back to the House with the recommendation that it do pass.

A. F. BRAY, Chairman.

A. L. BABCOCK.

M. GORMAN.

A. O. ROSE.

J. E. MARTIN.

By the Minority—*Mr. Speaker*: A minority of your Committee on State Institutions, having under consideration Senate Bills Nos. 3, 4, 6 and 23, and House Bills Nos. 8 and 23, wish to present a minority report for the following reasons:

We wish a consolidation of the State University, the School of Mines and the Agricultural College; and we further pray that the School of Mines, if separate from the two other institutions before mentioned, be located at Walkerville, Silver Bow County, Montana, and for other reasons we present this report.

D. W. BEECHER.

JOSEPH ANNEAR.

T. S. ASH.

C. L. CODER.

The reports were received.

House Bills Nos. 8, 49 and 23 were placed on general orders.

Senate Bills Nos. 3, 4, 6 and 23 were placed on general orders.

Scharnikow moved that substitute for H. B. No. 8 be indefinitely postponed.

On motion of Bach, the motion was laid on the table.

Reports of committees:

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. B. No. 103, entitled "An act to protect the interests of stockholders of mining companies and corporations;"

H. B. No. 106, entitled "An act to amend Section 5 of 'An Act to Provide Fees and Compensation for the Several County Officers in the Counties of Montana,' approved March 14, 1889;"

H. B. No. 111, entitled "An act for the protection of agricultural and racing associations;"

H. B. No. 107, entitled "An act providing for the registration of electors and to prevent fraud at elections;"—

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received.

The Speaker made the following references of bills:

H. B. No. 107 to Committee on Privileges and Elections.

H. B. No. 103 to Committee on Mines and Minerals.

H. B. No. 111 to Committee on Agriculture and Stock Growing.

H. B. No. 106 to Committee on State Board and Officers.

Annear, Chairman of Committee on Affairs of Cities made the following report:

*Mr. Speaker*: Your Committee on Affairs of Cities, to whom was referred H. B. No. 65, an act to amend "An Act Concerning the Storage of Gunpowder and Other High Explosives," approved March 1, 1883, for the better protection of cities, towns and villages, and S.

B. No. 1, "An act to regulate the practice of dentistry in the State of Montana," beg leave to report as follows:

We recommend that H. B. No. 65 be amended as follows: That in Section 1, line 2 of printed bill, the word "city" be stricken out, and the word "unincorporated" be inserted in lieu thereof; that in Section 1, line 4 of printed bill, the word "city" be stricken out, and the word "unincorporated" be inserted in lieu thereof; that in Section 3, line 19 of printed bill, the word "city" be stricken out and the word "unincorporated" be inserted in lieu thereof; that in Section 3, line 21 of printed bill, the word "city" be stricken out and the word "unincorporated" be inserted in lieu thereof.

We further recommend that the following section be substituted for Section 6, to-wit:

"Section 6. All acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed."

And that Section 6 in the printed bill be made Section 7, and recommend that, as so amended, the bill do pass.

S. B. No. 1 is referred back without recommendation.

JOSEPH ANNEAR, Chairman.

The report was received.

H. B. No. 65 and S. B. No. 1 were placed on general orders.

On motion of A. F. Bray, S. B. No. 4 was made a special order for 2 P. M. to-morrow.

On motion of Truman, H. B. No. 48 was taken from general orders and referred to the Committee on Towns, Counties and Highways.

On motion of Scharnikow, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTY-EIGHTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 8, 1893.

The House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all the members were present except Burrell, Davidson, Leech and Martin.

Prayer by the Chaplain.

Journal of the thirty-seventh day read and approved.

A petition was received from Henry M. Beadle and others regarding an amendment to the State Constitution, which was read and placed on file, to be referred with the bill when introduced to its appropriate committee.

The following notices of the introduction of bills were given:

By A. F. Bray—A bill to establish an Orphans' Home, providing for its location, support and management, and the control thereof.



By Laurence—A bill for an act to amend Section 5 of "An Act Concerning Revenue," Division 1 of the Acts of the Second Legislative Assembly of the State of Montana.

By Scharnikow—A bill entitled "An act to create the County of Warm Springs, to define its boundaries and provide for its organization and government."

By Goodell—A bill to amend Chapter XCII, Section 1541, of the Compiled Statutes of Montana.

Report of committee:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit the following bills correctly engrossed:

H. B. No. 56, "An act appropriating certain moneys for the payment of repairs and improvements made upon State Prison Buildings" by authority of the Board of State Prison Commissioners.

H. B. No. 73, an act to amend Sections 58 and 59 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

H. B. No. 79, "An act appropriating money for the payment of Sheriffs for serving extradition papers and transporting prisoners to the State Prison."

H. B. No. 82, "An act appropriating certain moneys for Journal Publishing Co., for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

H. B. No. 83, "An act appropriating certain moneys for payment of sundry expenses of Code Commission."

H. B. No. 100, "An act to appropriate money for the furnishing of the office of the Clerk of the Supreme Court."

H. B. No. 105, "An act appropriating money for the relief of John R. Eardley, for services rendered the State of Montana."

WILSON, Chairman.

Report was received.

House Bills Nos. 56, 73, 79, 82, 83, 100 and 105 were placed on file for third reading.

On motion of Goodell, H. B. No. 39 was made a special order for 2 P. M. to-morrow.

The following bills were introduced:

By Babcock, H. B. No. 124—An act to provide for the payment of interest on the claims of certain members of the Legislature of the State of Montana. Read first and second times and referred to Printing Committee.

Also, H. B. No. 125—An act appropriating money for the relief of the Montana National Bank for money advanced in payment of salaries and mileage to the members of the First Legislative Assembly of the State of Montana. Read first time, and on motion of C. H. Bray, and by unanimous consent, the rules were suspended and the bill was read a second time by title and referred to Committee on Printing.

By Dudley, H. B. No. 126—An act to regulate the practice of pharmacy and the sale of medicines and poisons. Read first and second times and referred to Committee on Printing.

Fleming moved that S. B. No. 3 be made a special order for 3 P. M. to-morrow, upon which the ayes and noes were called for, and the

motion was lost by the following vote, it requiring a two-thirds vote:

Ayes—Annear, Babcock, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Kilgallon, Lockhart, Loring, Losee, McDonel, Rose, Sappington, Smalley, Truman, Ward, Winter—24.

Noes—Ash, Bach, Beecher, Carpenter, Coder, Fitschen, Graves, Huffman, Jeffers, Lewis, Lockey, Logue, McKay, Metzel, Scharnikow, Swett, Tallant, Tierney, Wahle, Wilson—20.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 8, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By the Committee on Mines and Mining, S. B. No. 42—An act to provide for the payment of the expenses of such delegates appointed by the Governor to represent this State in the convention held under the auspices of the American Bi-Metallic League in Washington, commencing February 22, 1893.

By Folsom, S. B. No. 43—An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana.

By Swift, S. B. No. 44—A bill for an act to provide for the establishment and location of a State Reform School, and to appropriate money therefor.

The Governor has approved S. B. No. 8.

McDermott gave notice of a bill to amend Section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana.

The Senate has appointed Senators Steele, Buford and Folsom a Committee to act with a like Committee of the House, to notify the Helena School Board of the acceptance of their invitation, and to arrange a date in compliance therewith.

The Senate has concurred in House amendments to S. B. No. 16.

H. B. No. 1, as amended by the Senate, has been concurred in, and the same is herewith transmitted.

S. B. No. 18 has passed the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary,

S. B. No. 18 was read a first and second time and referred to Committee on State Institutions.

Senate amendment to H. B. No. 1 was concurred in by the following vote:

Ayes—Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—Huffman—1.

Third reading of bills:

H. B. No. 105 was read a third time and passed by the following vote:



Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Rose, Sappington, Smalley, Swett, Tallant, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—42.

Noes—None.

Title agreed to.

Substitute for H. B. No. 82 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Losee, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, McKay, Metzel, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—44.

Noes—None.

Title agreed to.

H. B. No. 56 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, McKay, Metzel, Rose, Sappington, Scharnikow, Swett, Tallant, Truman, Van Cleve, Ward, Winter, The Speaker—40.

Noes—None.

Title agreed to.

H. B. No. 79 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Sappington, Scharnikow, Smalley, Tallant, Tierney, Truman, Van Cleve, Ward, Wilson, Winter, The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 83 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—46.

Noes—None.

Title agreed to.



H. B. No. 100 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Rose, Sappington, Scharnikow, Scott, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walk-up, Wilson, Winter, The Speaker—46.

Noes—None.

Title agreed to.

H. B. No. 73 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Coder, Dudley, Fitschen, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Lewis, Lockey, Lockhart, Logue, Losee, McKay, Monteath, Sappington, Smalley, Tallant, Truman, Van Cleve, Wahle, Wilson, Winter, The Speaker—35.

Noes—Carpenter, Fitzgerald, Gorman, Graves, Laurence, Loring, McDonel, Metzel, Murphy, Rose, Scharnikow, Tierney, Ward—13.

Title agreed to.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

#### HALL OF THE HOUSE OF REPRESENTATIVES, Helena, Montana, February 8, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator with the following result:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon—Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House: Dudley and Burrell until the return of Dudley, Burns and Martin until the return of Martin, Leech and Lockhart until their appearance on the floor of the House.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Annear, Babcock, Benson, C. H. Bray, Carpenter, Coder, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Tierney, Van Cleve, Winter—24.

For William A. Clark: Ash, Bach, Beecher, Butler, Fitschen, Kilgallon, Logue, Loring, McDonel, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—15.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Matthews, Smalley, Ward, Walkup, The Speaker *pro tem.*—9.

Absent—Davidson.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 31 votes.

William A. Clark, 21 votes.

William W. Dixon, 12 votes.

There being no choice, the President declared no election.

On motion of Senator Goddard, the joint session dissolved.

12:10 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

On motion of Benson, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

Scharnikow made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they this day, February 8, 1893, at 10:10 A. M., delivered to Governor J. E. Rickards H. B. No. 55, entitled "An act appropriating certain moneys for Conley and McTague, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

Also, H. B. No. 57, entitled "An act appropriating certain moneys for Mitchell & Mussigbrod, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

SCHARNIKOW, Chairman.

The hour having arrived for the special order—S. B. No. 4—the House resolved itself into a Committee of the Whole, Babcock in the chair.

3:15 P. M.

House resumed.

The Speaker in the chair.

Babcock, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 4, beg leave to report the same back, recommending that it be concurred in by the House.

BABCOCK, Chairman.

The report was adopted.

S. B. No. 4 was placed on file for third reading.

Reports of committees:

By Bach—*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 13, entitled "A bill for an act to amend Section 1560 of the Fifth Division of the Compiled Statutes of Montana;"

H. B. No. 29, entitled "An act to amend Sections 790, 795, 796 and 808 of the Compiled Statutes of Montana;"

H. B. No. 36, entitled "A bill for an act to exempt certain hay from taxation;"

H. B. No. 77, entitled "An act appropriating money for the payment of statistics furnished the State by County Assessors for the years 1890, 1891 and 1892;"

H. B. No. 96, entitled "An act to amend Section 302, Third Division, Compiled Statutes of Montana, relating to trials of persons jointly indicted or informed against for criminal offenses," and

H. B. No. 101, entitled "An act to amend Section 321 of the First Division of the Compiled Statutes of Montana;"—

Beg leave to report said bills back to your honorable body as follows:

We recommend that Section 4 of H. B. No. 29 be amended by inserting the word "four" instead of the word "five" on line 7, page 2 of the original bill, and by striking out the words "such bonds shall be redeemable and payable at such times not longer than twenty years after the date thereof, as the county issuing the same shall determine," on lines 12, 13 and 14 of the original bill.

We recommend that House Bills Nos. 13, 36 and 77 do not pass, for the reason that the same are unconstitutional.

We recommend that House Bills Nos. 96 and 101 do not pass.

T. C. BACH, Chairman.

The report was received.

House Bills Nos. 29, 13, 36, 77, 96 and 101 were placed on general orders.

By the Committee on Towns, Counties and Highways—

*Mr. Speaker:* A majority of your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 64, "An act to create the County of Broadwater," after careful consideration, would respectfully recommend that it do not pass. SMALLEY, Chairman.

Also—

*Mr. Speaker:* A minority of your Committee on Towns, Counties and Highways, having considered H. B. No. 64, "A bill for an act to create the County of Broadwater," have had the same under consideration, and the undersigned, a minority of said committee, after a careful hearing of all the objections to said bill, are of the opinion that it is a just and meritorious measure; that it is unanimously demanded by the people of the section most interested; that in view of the county division measures that have been favorably entertained by this body we believe a refusal to pass this bill would be unjust discrimination against some 3,000 residents of the State. We find, as a matter of fact, that the new county would have an assessable property list of over two million dollars; that it would leave Jefferson County with over three millions, and Meagher County with over four million dollars of taxable wealth. Your committee recommend that the bill be amended by the adoption of the amendments annexed hereto, and that, as so amended, the bill do pass.

CHARLES BONNER,  
W. E. TIERNEY,  
P. L. VAN CLEVE.



Proposed amendments to H. B. No. 64:

First—Strike out after the word “intersects” in line 12 (printed bill), the words “the boundary line between north range one (1) and two (2) west, thence due south along said line to the,” and insert in lieu thereof the words “and crosses Spokane creek, thence southwest in a direct line to the nearest and most northerly.”

Second—Amend in line 37 (printed bill) by striking out the words “first day of March,” and insert in lieu thereof “fifteenth day of March.”

Third—Amend in line 51 (printed bill) by inserting in blank space after the word “the” the words “twenty-seventh.”

Fourth—Amend in line 72 (printed bill) by inserting after the word “Jefferson” the word “County.”

Fifth—Amend in line 85 (printed bill) by inserting after the word “Jefferson” the words “and Meagher;” also in same line the word “which” in lieu of the word “such.”

Reports received.

H. B. No. 64 placed on general orders.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom was referred H. B. No. 110, entitled “An act to create the County of Granite, to define its boundaries, and to provide for its organization and government.”

H. B. No. 104, entitled “An act to amend Chapter XXII, Fifth Division of Compiled Statutes of Montana, relating to municipal corporations and amendments thereto,” approved September 18, 1887, and also amendments thereto approved March 14, 1889.

H. B. No. 112, entitled “An act providing for the stamping of gold and silver bullion into tokens of various weights and sizes.”

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

Report was received.

H. B. No. 110 was referred to Committee on Towns, Counties and Highways.

H. B. No. 104 was referred to Committee on Judiciary.

H. B. No. 112 was referred to Committee on Mines and Minerals.

Introduction of bills:

By Huffman and Monteath, by unanimous consent, H. B. No. 127—An act to prevent corrupt practices at elections, and to provide for the publicity of the election expenses. Read first and second times and referred to Printing Committee.

On motion of Fleming, S. B. No. 3 was made a special order for 3 P. M. to-morrow by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Dudley, Fitzgerald, Fitschen, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lockhart, Loring, Losee, McDonel, Murphy, Rose, Sappington, Smalley, Swett, Tierney, Truman, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—37.

Noes—Beecher, Coder, Graves, Jeffers, Lewis, Lockey, Logue, Metzel, Monteath, Tallant—10.

On motion of Lockey, S. B. No. 6 was made a special order for 2 P. M. Friday next.

On motion of Bach, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## THIRTY-NINTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 9, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members were present except Davidson and Leech.

Prayer by the Chaplain.

Journal of the thirty-eighth day read and approved.

Scharnikow, Chairman of the Enrolling Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 1, entitled "An act relative to the appointment of Special Deputies, Marshals or Policemen by Sheriffs, Mayors and other persons authorized by law to make such appointments and to prescribe penalties for the violation thereof," as correctly enrolled.

SCHARNIKOW, Chairman.

The report was received, and the Speaker announced that he was about to sign "An act relative to the appointment of Special Deputies, Marshals or Policemen by Sheriffs, Mayors and other persons authorized by law to make such appointments and to prescribe penalties for the violation thereof," and he signed the same in the presence of the House.

A petition was received from five citizens of Jefferson County regarding a constitutional amendment for direct legislation by the people. Read and placed on file to be referred to appropriate committee with the bill, after its introduction.

The following notices of the introduction of bills were given:

By Ash—A bill for an act to amend Section 167 of an act of the Second Legislative Assembly of the State of Montana entitled "An Act Concerning Revenue."

By Logue—A bill to regulate fares on railways in the State of Montana.

By Lockey—A bill to amend Sections 7, 8 and 9 of an act entitled "An Act to Create the Office of County Auditor," approved March 7, 1891.

By Logue—A bill providing for the payment of the salary of the Mineral Land Commissioner and contingent expenses of same.

By Murphy—A bill for an act limiting the jurisdiction of Police Magistrates of certain cities.

Reports of committees:

By the Committee on Agriculture and Stock Growing—

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 111, beg leave to report the same back with the recommendation that it do pass with the following amendments:

In title of bill strike out the words "A bill for."

Amend Section 3, in line 21, the words "one hundred dollars,"

(Signed)

SAPPINGTON.

METZEL.

TRUMAN.

WARD.

LOCKHART.

CODER.

J. R. MCKAY.

The report was received.

H. B. No. 111 was placed on general orders.

By Kilgallon—*Mr. Speaker:* Your Committee on Mines and Minerals, having had under consideration H. B. No. 85, entitled "An act amendatory of and supplemental to an act entitled 'An Act to Create the Office of Inspector of Mines and to Define His Duties,' approved March 14, 1889," beg leave to report the same back to the House with the recommendation that it do pass.

KILGALLON, Chairman.

Also—

*Mr. Speaker:* Your Committee on Mines and Minerals, having had under consideration H. B. No. 103, entitled "An act to protect the interests of stockholders in mining companies and corporations," beg leave to report the same back to the House with the recommendation that it do pass.

KILGALLON, Chairman.

Also—

*Mr. Speaker:* Your Committee on Mines and Minerals, having had under consideration H. B. No. 112, "An act providing for the stamping of gold and silver bullion into tokens of various weights and sizes," beg leave to report the same back to the House with amendments, and recommend its passage with amendments.

KILGALLON, Chairman.

Amendments to H. B. No. 112, Section 13:

First—Strike out all of lines 4 and 5 and the letters "ed" at the beginning of line 6,

Second—Insert after the word "State," in line 8, the words "for any dues, debts, obligations, taxes, imports, licenses, fines or."

Third—Insert the word "whatever" after the word "purpose" in line 9.

Also—

*Mr. Speaker:* Your Committee on Mines and Minerals, to whom was referred the communication of A. C. Fisk, President of the Pan-American Bi-Metallic Association, beg leave to report it back to the House with the recommendation that a Joint Committee composed of three members of the House and three members of the Senate, be appointed to take into consideration the matter presented in the communication, and to report what action is proper.

KILGALLON, Chairman.



Reports were received.

House Bills Nos. 112, 103 and 85 were placed on general orders.

The Speaker appointed Kilgallon, Burrell and Annear as a Joint Committee on the part of the House, to act with a like committee on the part of the Senate, regarding the meeting of the Pan-American Bi-Metallic League, to be held at the City of Washington next month.

The following Concurrent Resolution was received and read:

Engrossed House Concurrent Resolution No. 3 of Indiana.

*Resolved by the House of Representatives, the Senate concurring:* That our United States Senators and Members of Congress be hereby requested to use their votes and influence in favor of the enactment of a law creating a cabinet office of Secretary of Labor, believing that such legislation is just and opportune, and to the best interests of our people, and

*Resolved, further,* That a copy of these resolutions be furnished to each Senator and Congressman from our State; and

*Resolved, further,* That to each State Legislature now in session a copy will be forwarded, with the request to pass similar resolutions.

Referred to Committee on Labor.

The following bills were introduced:

By Goodell, H. B. No. 128—An act to amend Section 1541, Chapter XCII, Fifth Division, Compiled Statutes of Montana. Read first and second times and referred to the Committee on Printing.

By A. F. Bray, H. B. No. 129—An act to create a home for the care of orphans, half-orphans, foundlings and destitute children, and to provide for its maintenance and management. Read first and second times (second time by title, by unanimous consent) and referred to the Printing Committee.

By Laurence, H. B. No. 130—An act to amend Section 5 of "An Act Concerning Revenue," Division 1 of Acts of the Second Legislative Assembly of the State of Montana. Read first and second times and referred to the Committee on Printing.

By A. F. Bray, H. J. M. No. 6—Concerning the sugar industry. Read first and second times and referred to the Committee on Printing.

Message from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 8, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

I have the honor to inform you that I have this day approved and signed H. B. No. 55, being "An act appropriating certain moneys for Conley & McTague, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

I have also approved and signed H. B. No. 57, being "An act appropriating certain moneys for Mitchell & Mussigbrod, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

Respectfully,

J. E. RICKARDS, Governor,

The following message was received from the Senate:

## SENATE CHAMBER,

Helena, Montana, February 9, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 36 and 43 were ordered printed.

Bills were introduced as follows:

By McDermott, S. B. No. 45—A bill for an act to amend Section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana.

By Matts, S. B. No. 46—A bill for an act entitled "An act to amend Sections 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 of Chapter CXIX, Fifth Division, Compiled Statutes of Montana, concerning town and village plats."

By Baylies, S. B. No. 46—A bill for an act to provide for the care, keeping and maintaining, custody and control of convicts for the State.

H. J. M. No. 1 has passed the Senate and the same is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

H. J. M. No. 1 was referred to the Committee on Enrollment.

On motion of Tallant, the following proposition was ordered spread on the Journal:

## HOUSE OF REPRESENTATIVES,

Helena, Montana, February 6, 1893.

If the State of Montana will combine the University, the College of Agriculture and Mechanic Arts, and the School of Mines, to be known as the State University, and will locate the same at or near Great Falls, the citizens of that city will pay into the treasury of the State one hundred thousand dollars to further endow said University, and will also donate three hundred and twenty acres of land suitable for the location of the University within two miles of the city limits of Great Falls.

The money so offered will be paid, one-half during the present year and one-half during the year 1894.

D. W. BEECHER.

D. J. TALLANT.

T. H. LEWIS.

On motion of A. F. Bray, the House took a recess until the arrival of the Senate.

11:57 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

## HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 9, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President *pro tem.* of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House



called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was taken on United States Senator which resulted as follows:

For Wilbur F. Sanders: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, The President *pro tem.*—3.

The following pairs were announced in the House: Leech and Lockhart until Leech returns.

The ballot in the House resulted as follows:

For Wilbur F. Sanders: Babcock, C. H. Bray, Burrell, Burns, Carpenter, Coder, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—22.

For William A. Clark: Ash, Bach, Beecher, Benson, Butler, Dudley, Fitschen, Kilgallon, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—18.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Fleming, Tierney—2.

For Thomas Couch: Annear—1.

Absent—Davidson.

The President *pro tem.* announced the vote of the Joint Assembly to be as follows:

Wilbur F. Sanders, 29 votes.

William A. Clark, 24 votes.

William W. Dixon, 12 votes.

Lee Mantle, 2 votes.

Thomas Couch, 1 vote.

There being no choice, the President *pro tem.* declared no election.

On motion of Senator Cardwell, the Joint Assembly dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

S. B. No. 4 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—Beecher, Coder, Lewis, Tallant—4.

Title agreed to.

On motion of Kilgallon, the House took a recess until 2 P. M.



## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present,

Reports of committees:

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. B. No. 108, entitled "An act to regulate the receiving and transportation of passengers and freight on railroads in this State;"

H. B. No. 109, entitled "An act to provide for the establishment of a Board of Railroad Commissioners and define their powers and duties;"

H. B. No. 118, entitled "An act with reference to driving stock into or through the State of Montana;"—

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received:

House Bills Nos. 108 and 109 were referred to Committee on Railroads and Transportation.

H. B. No. 118 was referred to Committee on Agriculture and Stock Growing.

The hour having arrived for the special order on H. B. No. 39, the House resolved itself into a Committee of the Whole, Sappington in the chair.

2:10 P. M.

House resumed.

The Speaker in the chair.

Sappington, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker*: Your Committee of the Whole, having had under consideration H. B. No. 39, beg leave to report the same back with amendments, and recommend that it do pass as amended.

SAPPINGTON, Chairman.

Amendments to H. B. No. 39:

Amend by striking out all of Section 6 after the word "householder," in line 45.

Amend Section 6 by inserting in line 45, after the word "freeholder," the words "or householders."

Section 5: Insert in line 37, after the word "freeholder," the words "or householders."

Section 4: Insert in line 34, after the word "freeholders," the words "or householders."

In line 21, after the word "killed," insert the words "or caused to be killed."

Section 1: Strike out, in line 2, the word "for;" in line 3, the words "each bear eight dollars."

Amend Section 2 by striking out the words "ninety days" and insert in place thereof the words "one hundred and twenty days."

Amend certificate issued to persons killing stock-destroying animals by striking out the words "ninety days" and insert in place thereof the words "one hundred and twenty days."

Amend Section 5 by striking out the words "one inch" and insert in place thereof the words "three-fourths of an inch."

The report was adopted.

H. B. No. 39 was referred to the Enrolling Committee.

Introduction of bill:

By Graves, by unanimous consent, H. J. M. No. 7—Memorializing Congress in regard to immigration. Read first and second times and referred to Printing Committee.

On motion of Fitschen, the House resolved itself into a Committee of the Whole for the consideration of general orders, Butler in the chair.

3:00 P. M.

House resumed.

The Speaker in the chair.

Butler, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 37, report progress and ask leave to sit again.

Report was adopted.

The hour having arrived for the special order—S. B. No. 3—the House resolved itself into a Committee of the Whole, Babcock in the chair.

3:15 P. M.

House resumed.

The Speaker in the chair.

Babcock, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration, S. B. No. 3, report the same back with the recommendation that it be concurred in by the House.

BABCOCK, Chairman.

Report was adopted.

S. B. No. 3, placed on file for third reading.

On motion of A. F. Bray, S. B. No. 6 was made a special order for 3:20 P. M. by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Lawrence, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—46,

Noes—Benson, Burrell, Coder, Logue, Tallant—5.

On motion of Bach, the House resolved itself into a Committee of the Whole for the consideration of the special order—S. B. No. 6—Babcock in the chair.

3:35 P. M.

House resumed.

The Speaker in the chair.

Babcock, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 6, report the same back, recommending that it be concurred in by the House.

BABCOCK, Chairman.

The report was adopted.

S. B. No. 6 was placed on file for third reading:

The following communication was received from the Irrigation Convention:

*To the Honorable the House of Representatives of the Third Legislative Assembly:*

Gentlemen—The State Irrigation Convention, now in session in this city, will have a meeting in the Board of Trade rooms this evening at 7:30 o'clock to listen to a paper from Lieutenant-Governor Botkin, and to discuss the irrigation measure now before your body. The convention has adopted a resolution inviting your presence at this meeting, and that invitation is hereby presented and your presence is urged.

Yours respectfully, H. P. ROLFE, President.

S. B. ROBBINS, Secretary.

On motion of Graves, the invitation was accepted, and a vote of thanks was tendered the Convention.

On motion of Lockey, H. B. No. 23 was made a special order for 2 P. M. to-morrow.

On motion of Fitschen, the House resolved itself into a Committee of the Whole for consideration of general orders, Butler in the chair.

4:50 P. M.

House resumed.

The Speaker in the chair.

Butler, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 37, beg leave to report progress, and ask leave to sit again.

BUTLER, Chairman.

Report adopted.

Reports of committees:

By Fitzgerald—*Mr. Speaker:* Your Committee on Federal Relations, to whom was referred H. B. No. 33, providing for the repeal of an act appointing a Mineral Commissioner, having had under consideration said bill, herewith return the same with the recommendation that it do not pass.

(Signed)

FITZGERALD, Chairman.

M. GORMAN.

JAS. McDONEL.

CHAS. H. BRAY.

The reports were received.

H. B. No. 33 was placed on general orders.

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, February 9, 1893, at 4:30 P. M., delivered to Governor J. E. Rickards H. B. No. 1 for his approval.

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. J. M. No. 1 as correctly enrolled.

SCHARNIKOW, Chairman.



The Speaker announced that he was about to sign H. J. M. No. 1, and he signed the same in the presence of the House.

On motion of Fitschen, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILL, Chief Clerk.

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## FORTIETH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 10, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all members were found present except Leech.

Prayer by the Chaplain.

Journal of the thirty-ninth day read and approved.

The following notices of introduction of bills were given:

By Scharnikow—A bill entitled "An act concerning the discovery and location of mining claims, the record thereof and the work thereon."

Reports of committees:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit H. B. No. 39, "An act to provide for the payment of bounties for the killing of certain stock-destroying animals," as correctly engrossed.

WILSON, Chairman.

The report was received.

H. B. No. 39 was placed on file for third reading.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred:

H. B. No. 113, entitled "Guaranty and Fidelity Companies;"

H. B. No. 116, entitled "An act to prohibit the sale of intoxicating liquors within three miles of any University;"

H. B. No. 117, entitled "An act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary ranges;"

H. B. No. 119, entitled "An act amending Section 4 of an act concerning the compensation of County, District and Township Officers, of the Laws of 1891;" would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

Report received.

H. B. No. 113 was referred to Committee on Incorporations and Manufactures.

H. B. No. 116 was referred to Committee on Affairs of Cities.

H. B. No. 117 was referred to Committee on Agriculture and Stock Growing.

H. B. No. 119 was referred to Committee on Ways and Means.

The following bills were introduced:

By Ash, H. B. No. 131—An act to amend Section 167 of an act of the Second Legislative Assembly of the State of Montana, entitled "An Act Concerning Revenue."

By Logue, H. B. No. 132—An act appropriating money for the payment of the salary and expenses of the Mineral Land Commissioner.

By Murphy, H. B. No. 133—An act limiting the jurisdiction of Police Magistrates of certain cities.

By Graves, by unanimous consent, H. B. No. 134—An act to create the office of City Superintendent of Public Schools and prescribe the qualifications and duties of the persons who shall hold the same.

House Bills Nos. 131, 133 and 134 read first and second times and referred to Printing Committee.

H. B. No. 132 was read first time, rules suspended and read second time by title and referred to Printing Committee.

Communication from the Senate:

SENATE CHAMBER,

Helena, Montana, February 9, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 41 has been indefinitely postponed.

Goddard introduced, without having given previous notice, S. B. No. 48, "A bill for an act entitled 'An act to provide for the registration of the names of electors and prevent fraud at elections,' approved March 8, 1889."

House Bills Nos. 16 and 45 have been concurred in by the Senate, and they are herewith transmitted,

Very respectfully, DAVID MARKS, Secretary.

House Bills Nos. 16 and 45 were referred to Enrolling Committee.

Third reading of bills:

H. B. No. 39 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—50.

Noes—Tallant—1.

Title agreed to.

S. B. No. 3 was read a third time and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—52.

Noes—Tallant—1.

Title agreed to.

S. B. No. 6 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—50.

Noes—Tallant—1.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Burke in the chair.

11:40 A. M.

House resumed.

The Speaker in the chair.

Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 52, H. J. M. No. 4 and H. B. No. 51, beg leave to report progress, and ask leave to sit again.

BURKE, Chairman.

Report was adopted.

On motion of A. F. Bray, the House took a recess until the arrival of the Senate.

11:57 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 10, 1893.

Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was taken on United States Senator, which resulted as follows:

The President of the Senate announced that Senators Folsom and Gibson were paired until the session of Monday next.

The ballot of the Senate resulted as follows:

For Lee Mantle: Baylies, Brown, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon: Eggleston, Matts—2.



The Speaker announced the following pair in the House: Leech and Lockhart until the return of Leech.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Burns, Coder, Tierney—3.

For William A. Clark: Ash, Bach, Beecher, Benson, Butler, Dudley, Davidson, Fitschen, Kilgallon, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, C. H. Bray, Burrell, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Carpenter, Fleming, Goodell, Graves, Huffman, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—21.

For Thomas Couch: Annear—1.

The President announced the vote of the Joint Assembly to be as follows:

Wilbur F. Sanders, 3 votes.

William A. Clark, 25 votes.

William W. Dixon, 11 votes.

Lee Mantle, 27 votes.

Thomas Couch, 1 vote.

There being no choice, the President declared no election.

On motion of Senator Matts, the Joint Assembly dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Swett, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker *pro tem.* in the chair.

Quorum present.

On motion of Bonner, H. B. No. 64 was made a special order for 3 P. M. Tuesday.

The hour having arrived for the special order—H. B. No. 23—the House resolved itself into a Committee of the Whole, Burke in the chair.

2:55 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 23, beg leave to report the same back with the recommendation that it pass as read. BURKE, Chairman.

The report was adopted by the following vote:

Ayes—Annear, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitzgerald, Fleming, Gorman, Graves, Huffman, Kilgallon, Laurence, Lewis,

Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup—39.

Noes—Ash, Bach, Coder, Dudley, Fitschen, Goodell, Jeffers, Logue, Metzel, Scharnikow, Wilson—11.

On motion of Laurence, the House resolved itself into a Committee of the Whole for consideration of general orders, Burke in the chair.

3:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke, Chairman of Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 52 and 51, H. J. M. No. 4 and H. B. No. 101, beg leave to report the same back as follows:

That House Bills Nos. 52 and 51 do pass with the following amendments:

That H. J. M. No. 4 do pass as read.

That H. B. No. 101 be indefinitely postponed.

BURKE, Chairman.

Amendments to H. B. No. 52, as recommended by the Judiciary Committee (see folios 211 and 212), were adopted in Committee of the Whole.

Amend H. B. No. 52 by adding the following new sections.

Section 11. All acts and parts of acts in conflict with this act are hereby repealed.

Section 11 shall be numbered Section 12.

Amend H. B. No. 51 by adding the following new section:

Section 6. This act shall take effect immediately.

The report was adopted.

House Bills Nos. 52 and 51, as amended, and H. J. M. No. 4 were referred to the Engrossing Committee.

H. B. No. 101, on motion of Laurence, was indefinitely postponed.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Lewis in the chair.

4:55 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Lewis, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 62, 47 and 50, beg leave to report the same back as follows:

That H. B. No. 62 do pass as amended.

They report progress on H. B. No. 47 and ask leave to sit again.

That H. B. No. 50 do not pass.

LEWIS, Chairman.

On motion of Carpenter, the report was adopted.

H. B. No. 62 was referred to the Committee on Engrossment.

H. B. No. 50 was laid on the table.

Reports of committees:

By Fleming—*Mr. Speaker*: Your Committee on Apportionment and Representation, to whom was referred H. B. No. 95, entitled "An act to amend Section 4 of Article V, and Sections 2, 3 and 4 of Article VI, of the Constitution of the State of Montana," beg leave to report the same back to the House without recommendation.

J. E. FLEMING, Chairman.

The report was received:

H. B. No. 95 was placed on general orders.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. B. No. 114, entitled "An act to provide for the depositing of State and County funds in the banks of the State;"

H. B. No. 121, entitled "An act to strike out Section 3 of an act entitled 'An Act Concerning Licenses,' approved March 7, 1891;"

H. B. No. 123, entitled "An act to create a school for the deaf and dumb, and providing for the education and maintenance of the blind therein;"

H. B. No. 122, "An act to amend Sections 40 and 41 of an act entitled 'An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands,' approved March 6, 1891;"—

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received.

H. B. No. 114 was referred to Committee on State Boards and Officers.

H. B. No. 121 was referred to Committee on Ways and Means.

H. B. No. 123 was referred to Committee on State Institutions.

H. B. No. 122 was referred to Committee on Public Lands.

By Beecher—*Mr. Speaker*: Your Committee on Privileges and Elections, having under consideration H. B. No. 70, entitled "An act to provide for the printing and distribution of ballots at public expense, for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," recommend that the same do pass, with the following amendments.

D. W. BEECHER, Chairman.

Amend Section 1 by striking out in printed bill all of line 2 after the words "Trustees of Schools," and striking out the word "Districts" in line 3.

Amend title by striking out "A bill for."

Amend Section 2 by striking out lines 5 and 6 and substituting the following:

"Section 2. The printing and delivery of the ballots and cards of instruction to voters, as hereinafter described, shall in municipal elections in cities and towns, be paid for by the several cities and towns respectively," and

Amend Section 2, in line 13, by striking out the words "village and incorporated."

Amend Section 10, in line 95: strike out the word "or" after the word "Alderman," and also strike out the words "shall act" after the word "lot" in same line.



Amend Section 14 by striking out the words "one-half" in line 140, and inserting in lieu thereof the words "not less than one-fourth."

Amend Section 19 by substituting the word "two" in place of the word "five" in line 203 after the word "than."

Report received.

H. B. No. 70, placed on general orders.

Introduction of bills:

By Babcock, by unanimous consent, H. B. No. 135—An act to provide for the payment of Joseph Hogan for office and traveling expenses as Mine Inspector.

H. B. N. 136—An act to provide for the payment of Bernard Brown for services rendered the State as an expert in examining the books of the State Treasurer and State Auditor.

H. B. No. 137—An act to provide for the payment of G. C. Swallow for office and traveling expenses as Mine Inspector.

H. B. No. 138—An act to provide for the payment of E. W. Knight for money advanced to the Independent Publishing Company for printing and binding the Codes of the State of Montana, in accordance with contract therefor.

H. B. No. 139—An act to provide for the payment of J. D. Taylor, for supplies furnished the House of Representatives of the First Session of the Legislature.

H. B. No. 140—An act to provide for the payment of Horace R. Buck for preparing an index to the Acts of the Second Legislative Assembly.

H. B. No. 141—An act to provide for the payment of Martin Maginnis, Mineral Land Commissioner, for salary and contingent expenses for the fiscal year 1892.

House Bills Nos. 135 to 141, both inclusive, were read the first time, the rules suspended, the bills read a second time by title and referred to the Printing Committee.

By Losee, H. B. No. 142—A bill for an act to provide for the payment of J. P. Blakely for services rendered the State as custodian in charge of the buildings and lands at Fort Ellis.

H. B. No. 143—An act to provide for the payment of the Helena Power and Light Company for electric lights furnished to the First Legislative Assembly of the State of Montana.

H. B. No. 144—An act to provide for the payment of Mrs. Janet C. Kinna for supplies furnished to the State Senate of the First Legislative Assembly.

H. B. No. 145—An act to provide for the payment of Douglas Sampson for services rendered the State.

H. B. No. 146—An act to provide for the payment of George W. Sproule for services rendered the State as Deputy Clerk of the Supreme Court.

House Bills Nos. 142 to 146, both inclusive, were read the first time, the rules suspended, the bills read a second time by title and referred to the Printing Committee.

By Graves—H. B. 147—A bill for an act to provide for the organization, regulation and discipline of the National Guard of Montana.

Read first and second times and referred to the Committee on Printing.

On motion of Lewis, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FORTY-FIRST DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 11, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the Chair.

Roll called and all members were found present except Leech, Tallant, Monteath, Ward.

Prayer by the Chaplain.

The following petitions were received and read:

A petition from I. K. Shoder and six others in relation to submitting to the people a constitutional amendment providing for direct legislation by the people.

Also, one on the same subject from residents of Lewis and Clarke County. Placed on file.

The following notices of bills were given:

By Lockhart—A bill for an act to regulate and limit the number of witnesses which may be subpoenaed in criminal cases and proceedings before Justices of the Peace and other inferior courts and magistrates.

By Graves—A bill for an act to amend Sections 1925 and 1926, Fifth Division of the Compiled Statutes.

Reports of committees:

By Van Cleve—*Mr. Speaker*: Your Committee on Engrossment beg leave to report H. B. No. 52 as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

The report was received.

H. B. No. 52 was placed on file for third reading.

By the Committee on Agriculture and Stock Growing—

*Mr. Speaker*: Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 118, entitled "A bill for an act with reference to driving stock into or through the State of Montana," beg leave to report the same back with the recommendation that it do pass with the following amendments:

Amend the title of the bill by striking out the words "A bill for."

Amend Section 1 by inserting in line 2 (printed bill), between the words "driven" and "into," the following: "from any other State or Territory of the United States, or any foreign country."

Amend Section 2, line 4, by inserting the word "such" between the words "all horses,"

Amend Section 3, line 7, by inserting the word "such" between the words "all sheep."

Amend Section 6, line 17, by striking out the words "in which said stock is being driven," and insert in lieu thereof the words "in which judgment therefor is recovered."

(Signed)

H. H. SAPPINGTON.  
METZEL.  
C. L. CODER.  
J. R. MCKAY.  
LOCKHART.  
TRUMAN.

The report was received.

H. B. No. 118 was placed on general orders.

By Tierney—*Mr. Speaker*: Your Committee on Incorporations and Manufactures, to whom was referred H. B. No. 99, being "An act concerning building and loan associations," having had the same under consideration, do respectfully report said bill back without recommendation.

W. E. TIERNEY, Chairman.

The report was received.

H. B. No. 99 was placed on general orders.

By Kilgallon—*Mr. Speaker*: Your Committee on Mines and Minerals, to whom was referred H. B. No. 89, entitled "An act to compel the use of chair indicators and safety signalling appliances in mine shafts," beg leave to report the same back to the House with the recommendation that it do pass.

KILGALLON, Chairman.

The report was received.

H. B. No. 89 was placed on general orders.

By Lewis—*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred S. B. No. 26, being a bill for "An act to amend an act entitled 'An Act to Provide for the Appointment of a Private Secretary to the Governor,' approved March 12, 1889," having had the same under consideration, respectfully report said bill back and recommend that it do pass.

LEWIS, Chairman.

The report was received.

H. B. No. 26 was placed on general orders.

By Tierney—*Mr. Speaker*: Your Committee on Incorporations and Manufactures, to whom was referred S. B. No. 10, being a bill for "An act to amend Sections 446, 468 and 469 of Chapter XXV of the Fifth Division of the Compiled Statutes of Montana of 1887, in relation to the term of existence of corporations," having had the same under consideration, respectfully report said bill back and recommend that it do pass.

W. E. TIERNEY, Chairman.

Report was received.

H. B. No. 10 was placed on general orders.

By A. F. Bray—*Mr. Speaker*: Your Committee on State Institutions, having had under consideration H. B. No. 123, "An act to create a School for the Deaf and Dumb," beg to recommend that it do pass.

A. F. BRAY.  
CODER.  
BEECHER.  
ROSE.  
BABCOCK.  
GORMAN.  
ANNEAR.



Report was received.

H. B. No. 123, placed on general orders.

By Van Cleve—*Mr. Speaker*: Your Committee on Engrossment beg leave to report H. J. M. No. 4 and H. B. No. 23 as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

Report was received.

H. B. No. 23, placed on file for third reading.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report H. B. No. 45, entitled "An act to establish a Bureau of Agriculture, Labor and Industry, and provide for the appointment of a Commissioner thereof, and define his duties," as correctly enrolled.

SCHARNIKOW, Chairman.

The report was received.

The Speaker signed H. B. No. 45 in presence of the House.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. J. M. No. 6;

H. B. No. 115, entitled "An act providing for the submission to the qualified electors of the State of an amendment to Article V of the Constitution, relating to the Legislative Department;"

H. B. No. 120, entitled "An act to provide the conditions upon which foreign corporations may do business in this State;"

H. B. No. 126, entitled "An act regulating the practice of pharmacy and the sale of medicines and poisons;"

H. B. No. 128, entitled "An act to amend Section 1541, Chapter XCII, of the Fifth Division of the Compiled Statutes of Montana;"

H. B. No. 130, entitled "An act to amend Section 5 of 'An Act Concerning Revenue,' Division 1 of Acts of the Second Legislative Assembly of the State of Montana;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received.

The Speaker made the following references of bills:

H. B. No. 120 to the Committee on Incorporations and Manufactures.

H. B. No. 126 to the Committee on Judiciary.

H. B. No. 128 to the Committee on Judiciary.

H. B. No. 130 to the Committee on Ways and Means.

H. B. No. 115 to the Committee on Judiciary.

H. J. M. No. 6 to the Committee on Agriculture and Stock Growing.

By Annear—*Mr. Speaker*: Your Committee on Affairs of Cities, having had under consideration H. B. No. 60, "A bill for an act to regulate the liability of hotel keepers, to provide for the inspection of hotels and inns, and to require fire escapes therein; to provide for liens of hotel keepers upon baggage of guests, and to punish hotel swindlers and those guilty of fraud and imposition," beg leave to report the same back with the recommendation that it do pass with the following amendments:

In the title strike out the words "A bill for," and insert after the word "hotel," in the first line of the title, the words "lodging house and boarding house keepers."

In the second line of the title strike out the words "and inns."

In Section 1, line 1, strike out the words "the proprietor or proprietors of any hotel, inn or boarding house," and insert in lieu thereof the words "any hotel keeper."

In Section 1, line 4, strike out the words "inn or boarding house."

In Section 1, line 9, strike out the words "inn or."

In Section 1, line 11, strike out the words "proprietor or proprietors of such hotel," and insert in lieu thereof the words "hotel keeper."

In Section 2, line 14, strike out the words "owner, lessee, proprietor or manager of a," and insert in lieu thereof the words "keeper of a."

In Section 2, line 14, strike out the words "or inn."

In Section 2, line 25, strike out the words "owner, lessee, proprietor or manager," and insert in lieu thereof the words "hotel keeper."

Strike out all of Section 3 from line 30 to line 35, inclusive, and insert in lieu thereof the following:

"Section 3. It shall be the duty of the Chief Engineer of the Fire Department, Fire Warden, or the officer performing the duties of either of the said officers, in every city and town of this State, in the months of July and January of each and every year, to inspect, or cause to be inspected by some person to be deputed by him for that purpose, every room of every hotel in the city or town in which he is performing the duties of said officers, and ascertain if the provisions of Section 2 of this act are complied with."

Section 3, line 36, strike out the words "and any owner, lessee, proprietor, manager or other," and insert in lieu thereof the word "any."

Section 3, line 43, strike out the word "village" and insert in lieu thereof the word "town."

Section 4, line 52, strike out the words "one year" and insert in lieu thereof the words "three months."

Section 4, line 54, strike out the word "thousand" and insert in lieu thereof the word "hundred."

Section 5, line 54, strike out the word "inn" and insert in lieu thereof the word "hotel."

In Sections 5 and 6, wherever the word "inn" may occur, strike out the word "inn" and insert in lieu thereof the word "hotel."

Section 7, line 62, strike out the words "or inn."

Section 8, line 68, strike out the words "inn and boarding house."

Section 8, line 69, strike out the words "inn or."

Section 8, line 70, strike out the words "boarding house."

Section 9, line 73, strike out the words "inn keeper, boarding house or lodging house keeper."

Section 9, line 78 after the word "same," insert the words "at public auction."

Section 10, strike out all of Section 10 and substitute the following:

"Section 10. Such hotel keeper shall make an entry of the articles sold and in case of any balance arising from such sale shall not be claimed by the rightful owner within one week from the day of said sale, the same shall be paid into the treasury of the County in which such sale took place, and if the same be not claimed by the owner



thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said County."

Section 11, line 84, strike out the word "inn."

Section 11, line 84, strike out the words "lodging and boarding house."

Section 11, line 88, strike out the words "or inn."

Section 11, line 90, strike out the words "or inn."

Section 11, line 93, strike out the word "three" after word "exceeding" and insert in lieu thereof the word "one."

Insert the following section between line 94 and line 95:

"Section 12. This act shall apply to the owner, lessee, proprietor or manager of every hotel, lodging house and boarding house in this State."

Renumber Section 12 by striking out "12" and inserting in lieu thereof "13."

Renumber Section 13 by striking out "13" and inserting in lieu thereof "14." (Signed) JOSEPH ANNEAR, Chairman.

The report was received.

H. B. No. 60 was placed on general orders.

By Committee on Agriculture and Stock Growing—*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 117, entitled "A bill for an act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary range," beg leave to report the same back with the recommendation that it do pass. (Signed)

SAPPINGTON.

METZEL.

TRUMAN.

LOCKHART.

CODER.

McKAY.

The report was received.

H. B. No. 117 was placed on general orders.

The following bills were introduced:

By Lockey, H. B. No. 148—An act to amend Sections 7 and 9 of an act entitled "An act to create the office of County Auditor."

By Goodell, H. B. No. 150—An act concerning neglected wire fences.

By A. F. Bray, H. B. No. 151—An act to add another section to Chapter LI., referring to the Statutes of Montana, which shall be known as Section 931, relating to Constables.

Also, H. B. No. 152—An act to amend Section 473, Second Division of the Compiled Statutes of Montana, relating to legacies.

By Winter, H. B. No. 153—An act to authorize the Attorney General to appoint a Deputy.

By Burrell, H. B. No. 154, by unanimous consent—A bill for an act to amend Chapter I of the Probate Practice Act, Second Division, Laws of Montana.

By Lockey, H. J. M. No. 8—To authorize Arthur W. Ide to prepare and publish an official map of Montana.

House Bills Nos. 148 to 154, inclusive, and H. J. M. No. 8 were read first and second times and referred to the Printing Committee.



Scharnikow moved that when the House adjourns, it do adjourn until Monday at 11:30 A. M. Carried.

On motion of Scharnikow, a committee of five was appointed by the Speaker, consisting of Messrs. Van Cleve, Coder, Metzel, Graves and Butler, to act with a like committee from the Senate, to visit the penitentiary at Deer Lodge, to report as to its condition, and to ascertain if any additional buildings are necessary; also, to visit the City of Billings, and to report as to a prospective site for the State Penitentiary to be located at that point.

The following was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 10, 1893.

*Mr. Speaker.* I am directed by the Senate to inform your honorable body that the communication received from the House with reference to the appointment of a joint committee respecting the Bi-Metallic League was not accompanied by any concurrent resolution that would authorize like action on the part of the Senate.

Hatch, without having given previous notice, introduced S. B. No. 49, "A bill for an act to provide for the management and maintenance of the State Prison."

Goddard, without having given previous notice, introduced S. B. No. 50, "A bill for an act to amend an act entitled 'An Act Relative to Information in Criminal Cases.'"

Hoffman gave notice of a bill for an act to create the office of Game and Fish Commissioner.

S. B. No. 40, under a suspension of the rules, has passed the Senate, and the same is herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

Third reading of bills:

H. B. No. 52 was read a third time and passed by the following vote:

Ayes—Annear, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, McDonel, Martin, Metzel, Murphy, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Walkup, Wilson, Winter—41.

Noes—Ash, Graves, Jeffers, Lockey, McKay, Rose, The Speaker—7.

Title agreed to.

H. B. No. 23 was read a third time and passed by the following vote:

Ayes—Annear, Bach, Beecher, Benson, Bonner, A. F. Bray, Burke, Butler, Carpenter, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Laurence, Lewis, Lockey, McDonel, McKay, Martin, Murphy, Rose, Sappington, Smalley, Swett, Tierney, Truman, Van Cleve, Wahle, Walkup—32.

Noes—Ash, Bray, C. H., Burrell, Burns, Coder, Fitschen, Jeffers, Kilgallon, Logue, Metzel, Scharnikow, Wilson, Winter, The Speaker—14.

Title agreed to.

The following communication was received and read:  
*To the Honorable Speaker of the House of Representatives of the State of Montana.*

Helena, Montana.

Sir—At the Irrigation Convention, held in Helena, Montana, February 9 and 10, 1893, the report of the majority of the Committee on Irrigation Laws was adopted, petitioning your honorable body that H. B. No. 24, known as the "Huffman Bill," be not passed.

Very respectfully, H. P. ROLFE, President.

S. B. ROBBINS, Secretary.

Dated at Helena, Montana, February 11, 1893.

Referred to Committee on Water Rights and Irrigation.

The honorable, the Senate, appearing before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
 Helena, Montana, February 11, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President of the Senate announced that Senators Hoffman and Power were paired until Tuesday next.

A ballot of the Senate was taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Goddard, Hatch, Swift—5.

For William A. Clark: Buford, Cardwell, Cullen, McDermott, Steele—5.

For William W. Dixon: Eggleston, Matts—2.

The Speaker announced the following pairs in the House: Lockhart and Leech until the return of Leech; Tallant and McDonel until the return of both; Huffman and Ward until the return of both; Monteath and Matthews until the session of Monday next.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Tierney—1.

For William A. Clark: Annear, Ash, Bach, Beecher, Benson, Burns, Butler, Coder, Dudley, Davidson, Fitschen, Kilgallon, Lewis, Logue, Loring, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—22.

For William W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Walkup—7.

For Lee Mantle: Babcock, C. H. Bray, Burrell, Jeffers, Laurence, Lockey, Losee, McKay, Carpenter, Fleming, Goodell, Graves, Metzel, Rose, Swett, Van Cleve, Winter—17.

The President announced the vote of the Joint Assembly to be as follows:

Wilbur F. Sanders, 1 vote.

William A. Clark, 27 votes.

William W. Dixon, 9 votes.

Lee Mantle, 22 votes.

Total votes cast, 59.

There being no choice, the President declared no election.

On motion of Senator Goddard, the Joint Assembly dissolved.

12:15 P. M.

House resumed.

The Speaker in the chair.

On motion of Rose, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 13, 1893.

House met pursuant to adjournment at 11:30 A. M.

The Speaker in the chair.

Roll called and all members were present except Ash and McDonel.

Prayer by the Chaplain.

Journal of the forty-first day read and approved.

Reports of committees.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 16, entitled "An act to create the County of Ravalli, to define its boundaries and to provide for its organization."

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, February 13, 1893, at 11 A. M., delivered to Governor J. E. Rickards, H. J. M. Nos. 1, 2 and 3.

Also, delivered to him for his approval H. B. No. 45, entitled "An act to establish a Bureau of Agriculture, Labor and Industry and provide for the appointment of a Commissioner thereof and define his duties,"

E. SCHARNIKOW, Chairman.

The reports were received.

The Speaker announced that he was about to sign H. B. No. 16, and he signed the same in the presence of the House.

A petition was received from Wadsworth Post, G. A. R., praying for the passage of S. B. No. 23: Referred to the Committee on State Institutions.

The following notices of the introduction of bills were given:

By Monteath—A bill amendatory of Sections 550 and 551, Fifth Division, General Laws.



By Logue—*Mr. Speaker*: On to-morrow or some future day the Committee on Public Lands will introduce a bill for an act to provide for the sale of timber lands belonging to the State.

By Burke—A bill for an act to amend Sections 2 and 3 of an act entitled "An Act to Establish a Territorial Board of Inspection for Steam Boilers, and for the Examination and Licensing of Engineers," approved March 14, 1889.

By Murphy—A bill to provide a Great Seal for the State of Montana.

By Losee—A bill to provide for the payment of C. J. McSherry for services rendered the State.

By Babcock—A bill to provide for the payment of H. S. Howell for services rendered the State as Clerk for the Board of Land Commissioners.

Also, a bill to provide for the payment of Bernard Brown for services rendered the State in examining the books of the State Treasurer and Auditor.

Also, a bill to provide for the payment of the Helena Independent for printing and binding the official reports of the several State Officers for 1892.

Also, a bill to provide for the payment of Bernard Brown and others for rent of Legislative Halls, labor performed therein, and supplies furnished for same.

By Losee—A bill to provide for the payment of John E. Lloyd and John M. Ramsey for services rendered the State.

Also, a bill to provide for the payment of R. P. Stout for services rendered the State as Private Secretary to the Governor.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

#### HALL OF THE HOUSE OF REPRESENTATIVES, Helena, Montana, February 13, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President of the Senate announced that Senators Hoffman and Power were paired until the session of Tuesday.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Swift—6.

For William A. Clark: Buford, Cardwell, Cullen, McDermott, Steele—5.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House: Ash

and McKay, McDonel and Tallant, until their appearance on the floor of the House.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Leech, Tierney—2.

For William A. Clark: Bach, Beecher, Benson, Butler, Dudley, Davidson, Fitschen, Kilgallon, Lockhart, Logue, Loring, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—18.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, C. H. Bray, Burrell, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, Metzel, Monteath, Rose, Swett, Van Cleve, Winter—19.

For Thomas Couch: Annear, Burns—2.

For Thomas H. Carter: Coder—1.

The President announced the vote of the Joint Assembly to be as follows:

Wilbur F. Sanders, 2 votes.

William A. Clark, 23 votes.

William W. Dixon, 12 votes.

Lee Mantle, 25 votes.

Thomas Couch, 2 votes.

T. H. Carter, 1 vote.

Total votes cast, 65.

There being no choice, the President declared no election.

On motion of Senator Goddard, the Joint Assembly dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

Reports of committees:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit H. B. No. 51, "An act to prevent the corrupt solicitation of members of the Legislative Assembly and other public officers;"

H. B. No. 62, "An act entitled an act to create a lien for the service of stock horses;"—as correctly engrossed.

WILSON, Chairman.

The report was received.

House Bills Nos. 51 and 62 were placed on file for third reading.

S. B. No. 40 was read first and second times and referred to Committee on Railroads and Transportation.

The Speaker announced that he was about to sign "An act to establish, locate, maintain and govern the University of the State of Montana."

Also, "An act providing for the location and establishment of the Agricultural College and Agricultural Experimental Station in connection therewith, enumerate its objects and purposes, dedicate the lands for the use of the same, providing for the government and control thereof and accept and adopt provisions, donations and benefits contained in the acts of Congress relating thereto," and he signed the same in the presence of the House.

Third reading of bills:

H. J. M. No. 4 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward, Wilson, Winter, The Speaker—46.

Noes—None.

Title agreed to.

H. B. No. 51 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward, Winter, The Speaker—46.

Noes—None.

Title agreed to.

H. B. No. 62 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward, Wilson, Winter, The Speaker—42.

None—Martin—1.

Title agreed to.

The following message was received and read:

SENATE CHAMBER,

Helena, Montana, February 13, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that substitute for H. B. No. 2 and House Bills Nos. 28, 34, 35, 58 and 82 have been concurred in by the Senate, and they are herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Substitute H. B. No. 2 and House Bills Nos. 28, 34, 35, 58 and 82 were referred to Enrolling Committee.



The House resolved itself into Committee of the Whole for consideration of general orders, Huffman in the chair.

3:50 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Huffman made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 37, 47 and 63, beg leave to report the same back as follows:

That H. B. No. 63 be indefinitely postponed.

That House Bills Nos. 37 and 47 do pass with the following amendments.  
HUFFMAN, Chairman.

The report and amendments of the Committee on Game and Fish were adopted by the Committee of the Whole. (See folios 190 and 191.)

In Section 3, line 17, after the word "kill," add the words "or persons who have to kill beaver to protect their water rights."

After the words "water rights" in Section 3 add the following:

"*Provided, however,* That it shall be unlawful for any one to catch beaver on private lands without the consent of the owner or owners."

Amend Section 4 by inserting after the word "aquarium" the words "for the purpose of breeding."

Amend Section 4 by striking out the words "caught in the waters of," in line 24 of the printed bill, and inserting in lieu thereof the word "in."

Add in line 29: "All ditches or drains leading from natural streams shall be protected at the junction of said ditch or drain with said natural stream by a grate of not more than one-half inch mesh. Said grate shall be placed at said junction on September 1st and removed on March 1st of each year. It shall be the duty of the person or persons using said ditch or drain to see that said grate is placed in proper condition and kept in good repair." Tallant.

Add to line 28, after "aquarium," the words: "*Provided,* That no speckled or mountain trout, or other small fish, shall be taken or caught, except for private ponds by owners, in any manner, during the months of February, March, April and May." Losee.

Strike out all of Section 7 after the word "committed" on line 48. Losee.

Add after the word "committed," in line 70, Section 10, "or imprisoned for not more than 30 days, or both such fine and imprisonment in the discretion of the court." Tallant.

Insert after the word "committed" in line 75, in Section 11, "or be imprisoned in the county jail for a period not exceeding 30 days, at the discretion of the court." Lewis.

Insert in line 79, Section 12, after the word "committed," the words "or be imprisoned in the county jail for a period not exceeding 30 days at the discretion of the court." Lewis.

Insert in line 89, Section 14, after the word "carried," the words "or be imprisoned in the county jail not less than 30 days nor more than 90 days, at the discretion of the court." Lewis.

In line 103, Section 16, strike out the word "infractions," and insert in lieu thereof the word "violations." Lewis.

In Section 18, after the word "degrees," insert the words "or shall pay a fine of not less than \$50, nor more than \$200, or be imprisoned in the county jail for a period not less than 30 nor more than 90 days, at the discretion of the court." Lewis.

In line 120, strike out "exceeding fifty," and insert "not less than fifty nor more than two hundred." Goodell.

Amendments to H. B. No. 47:

By Carpenter—Strike out title and insert the following: An act to amend Sections 3 and 4 of an act entitled "An act concerning compensation of County, District and Township Officers," approved March 6, 1891.

By Tallant—Strike out the word "general," in line . . of the amendment, and insert "contingent."

*Mr. Speaker.* I move that Section 1 of H. B. No. 47 be amended to read as follows:

Section 1. That Section 3 of an act entitled "An Act Concerning Compensation of County, District and Township Officers," approved March 6, 1891, be and the same is hereby amended to read as follows:

Section 3. That the said officers named in Section 1 of this act shall each be allowed to receive as annual compensation for their services as officers of their respective counties by classes as follows, to-wit:

FIRST CLASS.

Treasurer, three thousand two hundred and fifty dollars.

Sheriff, four thousand dollars.

Assessor, twenty-five hundred dollars.

Clerk and Recorder, three thousand dollars.

Clerk of District Court, three thousand dollars.

County Attorney, twenty-five hundred dollars.

Superintendent of Common Schools, twelve hundred dollars.

SECOND CLASS.

Treasurer, three thousand dollars.

Sheriff, three thousand dollars.

Assessor, twenty-five hundred dollars.

Clerk and Recorder, twenty-five hundred dollars.

Clerk of District Court, two thousand dollars.

County Attorney, fifteen hundred dollars.

Superintendent of Common Schools, twelve hundred dollars.

THIRD CLASS.

Treasurer, twenty-two hundred dollars.

Sheriff, twenty-seven hundred dollars.

Assessor, eighteen hundred dollars.

Clerk and Recorder, twenty-two hundred dollars.

Clerk of District Court, fifteen hundred dollars.

County Attorney, twelve hundred dollars.

Superintendent of Common Schools, one thousand dollars.

The salaries herein provided for shall be paid to the respective officers monthly out of the contingent funds in their respective county



treasuries in the manner hereinafter provided, save and except County Attorneys, which salaries shall be payable likewise monthly, one-half from their respective counties in the same manner as herein provided with reference to other county officers, and the other one-half from the State Treasurer in the manner and form hereinafter provided, it being the intent and meaning of this act to limit the maximum actual compensation from all sources of the officers named in this act to the sums mentioned in this section: *Provided, however,* That nothing in this act shall be held to apply to the compensation received by the Sheriffs as mileage for actual and necessary traveling expenses in the performance of official duties, or for the board of prisoners.

The method by which the salaries herein provided for shall be paid to the respective officers shall be as follows:

It shall be the duty of the officer to present to the County Clerk and Recorder a verified claim for the salary which may be due him under the provisions of this law, and thereupon, at the close of each and every month, it shall be the duty of such County Clerk to issue to such official a warrant for the amount of the salary due to such official by law, and to deliver the same to him after he shall have filed the receipt hereinafter provided for; such receipt shall be substantially the same as that required to be signed and verified by the provisions of Section 5 of this act.

The warrant herein required to be delivered to the respective officials shall receive, before its delivery by the County Clerk, the signature of the Chairman of the Board of County Commissioners of the county in which such warrant is drawn, or in his absence from the County Seat or inability to act, the signature of any member of the Board of County Commissioners of said county, and when so signed, and after the same shall be countersigned by the County Clerk of said county and delivered to the official, it shall have the same force and effect and be as valid in all respects as if such warrant had been issued at a regular session of the Board of County Commissioners. And any such warrant so issued may be presented to the County Treasurer, and shall be registered and paid by him in manner and form as are other warrants regularly drawn against the funds of his county. And it shall be the duty of the Auditor of the State, upon presentation of a certificate to him, signed by the Chairman of the Board of County Commissioners of the county in which such certificate is made, or in his absence from the County Seat or inability to act, then any member of the Board of County Commissioners of said county, and countersigned by the County Clerk and Recorder of said county, naming the amount of salary which may be due to the County Attorney, to issue to such County Attorney a warrant upon the State Treasurer for so much of the monthly salary as may be due to such official by the State, and such warrant shall be issued at the end of each and every month by such Auditor, and when so issued shall be registered and paid by the State Treasurer in the same manner as other warrants regularly drawn against the funds of the State. C. H. Bray.

*Mr. Speaker:* I move that Section 2 of this bill be amended to read as follows:



Section 2. That Section 4 of said act entitled "An Act Concerning the Compensation of County, District and Township Officers," approved March 6, 1891, be and the same is hereby amended to read as follows:

Section 4. The maximum annual compensation which shall be allowed to any Deputy or Assistant employed to assist the officers named in Section 1 of this act is hereby fixed and limited as follows:

First Class—Under Sheriff not to exceed eighteen hundred dollars; each Deputy Sheriff not to exceed twelve hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of District Court not to exceed twelve hundred dollars; Deputy Treasurer not to exceed twelve hundred dollars; Deputy Assessor not to exceed twelve hundred dollars.

Second Class—Under Sheriff not to exceed fifteen hundred dollars; each Deputy Sheriff not to exceed nine hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court not to exceed twelve hundred dollars.

Third Class—Under Sheriff not to exceed fifteen hundred dollars; each Deputy Sheriff not to exceed eight hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court not to exceed twelve hundred dollars.

*Provided*, That the whole number of deputies and assistants allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation: *Provided*, In no county shall the number exceed six deputies. The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class, and one for counties of the third class: *Provided, further*, That the whole number of deputies allowed the Treasurers of the first class shall not exceed one, and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the Board of County Commissioners; and no deputies shall be allowed the Treasurers of the second and third classes.

The Assessor in the first class shall be allowed one deputy for six months of the year.

Such additional deputies for the first class shall receive a salary not to exceed one hundred dollars per month during the time of their service.

The number of deputies and their compensation allowed to the county officers within the maximum limits named in this act shall be determined by the Board of County Commissioners. The salaries herein provided for, or so much thereof as shall be due and owing, shall be paid by warrants drawn on the contingent funds of their respective counties, in monthly installments, after they shall have filed verified bills, as officials are required to file under the provisions of this act, and said warrants shall be drawn at the close of each month by the County Clerk, and signed as herein provided for in the case of warrants in favor of officials, and such warrants may be presented, registered and paid in the same manner as warrants in favor of such officials. Chas. H. Bray.

The report was adopted.

House Bills Nos. 37 and 47, as amended, were referred to the Engrossing Committee.

H. B. No. 63 was indefinitely postponed.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 13, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 1, being “An act relating to the appointment of special deputies, marshals or policemen by Sheriffs, Mayors or other persons authorized by law to make such appointments, and to provide penalties for the violation thereof.”

I have also approved and signed H. J. M. No. 1, “praying Congress to amend the Constitution and Laws of the United States so that they will provide for the election of United States Senators by direct vote of the people;” and

H. J. M. No. 2, addressed to the House of Representatives, “praying for the passage of a law for the free coinage of silver.”

Respectfully,

J. E. RICKARDS, Governor.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Kilgallon in the chair.

4:35 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Kilgallon made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 87, 66, 72 and 84, beg leave to report House Bills Nos. 66 and 72 do pass with the accompanying amendments.

That H. B. No. 87 be referred to the Committee on Public Lands.

That H. B. No. 84 be indefinitely postponed.

KILGALLON, Chairman.

Amendments to H. B. No. 66:

Amend the title by adding thereto the words “of Montana.” Carpenter.

After the word “days,” on line 13 of Section 1, insert the following: “No contract made or entered into in violation of the provisions of this act shall have any force or effect as against the teacher.”

After Section 2 add the following:

“Section 3. This act shall take effect and be in force from and after its passage.” Monteath.

Amendments to H. B. No. 72—Strike out all of Section 1 and insert the following:

“Section 1. That in all cities and towns within the State having a population of one thousand, and not more than five thousand, each School Trustee, before entering upon the duties of his office, shall file with the County Clerk a bond, with two or more sufficient sureties, in the penal sum of one thousand dollars, conditioned for the faithful

performance of his duties as such Trustee. Such bond shall run in the name of the school district for which the Trustee shall be elected, and shall be approved by and filed with the County Clerk: *Provided*, That in all cities and towns in this State having a population of more than five thousand each bond shall be in the penal sum of two thousand dollars."

Strike out all of Section 2 and renumber Section 3 so that it will read "Section 2."

Add Section 3 as follows:

"Section 3. This act shall take effect and be in force from and after its passage." Committee on Education.

Report was adopted.

House Bills Nos. 66 and 72, with amendments, were referred to the Engrossing Committee.

H. B. No. 87 was referred to Committee on Public Lands.

H. B. No. 84 was indefinitely postponed.

On motion of Tallant, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 14, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except McDonel and Swett.

Prayer by the Chaplain.

Journal of the forty-third day read and approved.

The following notices of bills were given:

By Scharnikow—A bill entitled "An act fixing the fees to be charged and collected by the Clerks of the District Courts for the use of their respective counties."

By Graves—A bill for an act to amend an act entitled "An Act to Regulate the Practice of Medicine in the Territory of Montana and to Provide for the Examination and Issuing of Certificates to Persons Desirous of Practicing the Same, and for the Punishment of Persons Violating the Provisions of This Act," approved February 28, 1889.

By Tallant—A bill for an act providing for the creation of the office of Game and Fish Commissioners.

By Carpenter—A bill entitled an act to amend Section 1448 of the Fifth Division of the Compiled Statutes of Montana.

The following reports of committees were received and read:

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. J. M. No. 7; also,



H. B. No. 124, entitled "An act to provide for the payment of interest on the claims of certain members of the Legislature of the State of Montana;"

H. B. No. 125, entitled "An act appropriating money for the relief of the Montana National Bank for money advanced in payment of salaries and mileage to the members of the First Legislative Assembly of the State of Montana;"

H. B. No. 131, entitled "An act to amend Section 167 of an act of the Second Legislative Assembly of the State of Montana, entitled 'An Act Concerning Revenue;'"

H. B. No. 132, entitled "An act to appropriate money for the payment of the salary and expenses of the Mineral Land Commissioner;"

H. B. No. 133, entitled "An act limiting the jurisdiction of Police Magistrates of certain cities;"

H. B. No. 127, "An act to prevent corrupt practices in elections, and to provide for publicity of election expenses;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker referred the following bills as follows:

H. B. No. 137 to the Committee on Privileges and Elections.

H. B. No. 133 to the Committee on Affairs of Cities.

H. B. No. 131 to the Committee on Ways and Means.

H. J. M. No. 7 to the Committee on Immigration.

House Bills Nos. 132, 125 and 124 to the Committee on Appropriations and Claims.

By Tallant—*Mr. Speaker*: Your Committee on Railroads and Transportation, having had under consideration H. B. No. 109, "An act to provide for the establishment of a Board of Railroad Commissioners and define their powers and duties," beg leave to report that the bill do pass with the following amendment:

Add to Section 1 of H. B. No. 109: "Not more than two of the said Commissioners shall be members of the same political party."

TALLANT, Chairman.

Also—

*Mr. Speaker*: Your Committee on Railroads and Transportation, having had under consideration H. B. No. 108, "An act to regulate the receiving and transportation of passengers and freight on railroads in this State," beg leave to report back said bill with the recommendation that the bill do pass.

TALLANT, Chairman.

House Bills Nos. 109 and 108 were placed on general orders.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 35, "An act appropriating money for the relief of Stephen Carpenter for services rendered the State of Montana."

Also, H. B. No. 34, entitled "An act appropriating money for the relief of William M. Blackford for services rendered the State of Montana."

Also, H. B. No. 28, entitled "An act to legalize and confirm the acts of Notaries Public."

Also, substitute for H. B. No. 2, entitled "An act regulating the

hours of labor of stationary engineers and fixing penalties for violation thereof."

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have delivered to Governor J. E. Rickards this day, February 13, 1893, at 4:35 P. M., H. B. No. 16, entitled "An act to create the County of Ravalli, to define its boundaries and to provide for its organization."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign House Bills Nos. 35 and 34, Substitute H. B. No. 2 and H. B. No. 28, and he signed the same in the presence of the House.

By Bonner—*Mr. Speaker:* Your Committee on Labor, to whom was referred H. B. No. 86, an act to repeal Section 5 of an act entitled "An act to amend an act relating to liens of mechanics and others," beg leave to report the same back to your honorable body with the recommendation that it do pass.

BONNER, Chairman.

H. B. No. 86, placed on general orders.

By Monteath—*Mr. Speaker:* Your Committee on Education, to whom was referred S. B. No. 12, being a bill for "An act to provide for the appointment, terms of office, powers, duties and compensation of the State Board of Education," having had the same under consideration, respectfully report said bill back and recommend that it do pass. Respectfully submitted,

MONTEATH, Chairman.

S. B. No. 12 was placed on general orders.

By Huffman—*Mr. Speaker:* Your Committee on Irrigation and Water Rights, after a careful consideration of H. B. No. 24, "An act to establish departments and to create a State Water Commission, and to define the powers of each," respectfully report the same back to the House without recommendation. (Signed)

HUFFMAN.

GOODELL.

WARD.

TRUMAN.

VAN CLEVE.

H. B. No. 24 was placed on general orders.

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 58, entitled "An act appropriating money for services rendered by William J. Kennedy as Clerk of the Supreme Court from November 8, 1889, to March 7, 1891."

Also, substitute for H. B. No. 82, entitled "An act appropriating money for the Journal Publishing Company, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign House Bills Nos. 58 and 82, and he signed the same in the presence of the House.

The following bills were introduced:

By Lockey, H. B. No. 155—An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana.

By Burke, H. B. No. 156—An act to amend an act entitled "An



Act to Establish a Territorial Board of Inspection of Steam Boilers, and for the Examination and Licensing of Engineers," approved March 4, 1889.

By Lockhart, H. B. No. 157—An act to regulate criminal proceedings.

By Tallant, by unanimous consent, H. B. No. 158—An act to authorize County Attorneys to issue subpœnas and compel the attendance of witnesses in certain cases.

By Monteath, H. B. No. 159—An act to amend Sections 550 and 551 of the Fifth Division of the Compiled Statutes of Montana, relative to Trustees of savings associations and savings banks.

By Committee on Public Lands, H. B. No. 160—An act to provide for the sale of timber lands belonging to the State.

By Murphy, H. B. No. 161—An act providing for a Great Seal of the State of Montana, and describing the same.

By Babcock, H. B. No. 162—An act to provide for the payment of the Independent Publishing Company for services rendered the State.

Also, H. B. No. 163—An act to provide for the payment of Bernard Brown for services rendered the State.

Also, H. B. No. 164—An act providing for the payment of H. S. Howell for services rendered the State.

Also, H. B. No. 165—An act providing for the payment of various persons for services rendered the State of Montana.

By Losee, H. B. No. 166—An act to provide for the payment of C. J. McHenry as the administrator of the estate of D. T. McDevitt for services rendered the State by D. T. McDevitt, deceased.

Also, H. B. No. 167—An act to provide for the payment of R. P. Stout for services rendered the State.

Also, H. B. No. 168—An act to provide for the payment of John E. Lloyd and John M. Ramsey for transportation and board of convicts.

By Scharnikow, H. B. No. 169—An act concerning the location of mining claims, the records thereof and the work thereon.

By Babcock, by unanimous consent, H. B. No. 170—An act to appropriate money to provide for the payment of certain persons for services rendered the State.

Also, H. B. No. 171—An act to appropriate money for the payment of certain persons for supplying, furnishing and fitting up rooms for the meeting of the Legislature.

By Losee, by unanimous consent, H. B. No. 172—An act to appropriate money for the payment of the Western Union Telegraph Company.

Also, H. B. No. 173—An act to appropriate money for the payment of certain persons for publishing notices of pardons by the direction of the State Board of Pardons.

By Bach, H. B. No. 174—An act to prevent debtors from giving preference to creditors, and to secure equal distribution of the property of the debtors among their creditors, and for the release of debts against debtors.

House Bills Nos. 155 to 169, both inclusive, and H. B. No. 174, read first and second times and referred to Committee on Printing.



House Bills Nos. 170 to 173, both inclusive, were read first and second times, by title, under suspension of the rules, and referred to the Printing Committee.

# JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 14, 1893.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House: McDonel and Tallant until McDonel returns; Kilgallon and Swett until the session of Wednesday.

The ballot of the House resulted as follows:

For Wilbur F. Sanders: Tierney—1.

For William A. Clark: Ash, Bach, Beecher, Butler, Benson, Dudley, Davidson, Fitschen, Lockhart, Logue, Loring, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—18.

For William W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, C. H. Bray, Burrell, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Van Cleve, Winter—20.

For Thomas Couch: Annear, Burns, Coder—3.

The President announced the vote of the joint session to be as follows:

Wilbur F. Sanders, 1 vote.

William A. Clark, 24 votes.

William W. Dixon, 12 votes.

Lee Mantle, 27 votes.

Thomas Couch, 3 votes.

Total votes cast, 67.

There being no choice, the President declared no election.

On motion of Senator Matts, the Joint Assembly dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

On motion of Benson, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

The following reports were received and read:

By A. F. Bray—*Mr. Speaker*: Your Committee on State Institutions, after careful consideration of S. B. No. 18, "A bill for an act to create a State Board of Charities and Reform and define its duties," respectfully report the same back to the House without recommendation.  
A. F. BRAY, Chairman.

H. B. No. 18 was placed on general orders.

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit the following bills as correctly engrossed:

H. B. No. 47, "An act to amend Sections 3 and 4 of an act entitled 'An Act Concerning Compensation of County, District and Township Officers,' approved March 6, 1891."

H. B. No. 66, "An act to amend Sections 1898 of the Fifth Division of the Compiled Statutes of Montana."

H. B. No. 72, "An act requiring School Trustees in cities and towns to give official bonds."  
WILSON, Chairman.

House Bills Nos. 47, 60 and 72 were placed on file for third reading.

On motion of Tallant, House Bills Nos. 108 and 109 were made a special order for Thursday at 2 P. M.

On motion of Graves, H. B. No. 99 was taken from general orders and referred to Judiciary Committee.

On motion of A. F. Bray, H. B. No. 95 was made a special order for Wednesday at 3 P. M.

The House resolved itself into a Committee of the Whole for consideration of general orders, Beecher in the chair.

3 P. M.

House resumed.

The Speaker in the chair.

Beecher made the following report:

*Mr. Speaker*: Your Committee of the Whole, having had under consideration House Bills Nos. 102 and 92, beg leave to report the same back to the House with the recommendation that they do pass with the following amendments.  
BEECHER, Chairman.

Amendments to H. B. No. 92:

After Section 3 add Section 4, as follows:

"Section 4. This act shall take effect sixty days after its passage."

Add to line 3: "And to see that the same are kept in good repair and in a clean condition."

Section 3. Insert "Teacher, Janitor or Janitors" between "Trustees" and "failing," on line 9.

Amend Section 2 by inserting after the word "Trustees" the words "Teacher, Janitor or Janitors."

The report was adopted.

House Bills Nos. 102 and 92 were referred to Committee on En-grossment.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, February 14, 1893, at 2:30 P. M., delivered to Governor J. E. Rickards for his approval, House Bills Nos. 34, 35, 58 and 28 and substitutes for House Bills Nos. 2 and 82.

SCHARNIKOW, Chairman.

The hour having arrived for the special order—H. B. No. 64—the House resolved itself into a Committee of the Whole, Tallant in the chair.

4:00 P. M.

House resumed.

The Speaker in the chair.

Tallant made the following report:

*Mr. Speaker*: Your Committee of the Whole, having had under consideration H. B. No. 64, beg leave to report the same back with recommendation that it be referred to a special committee to consist of the Representatives from Jefferson and Meagher Counties.

TALLANT, Chairman.

Report was adopted, and H. B. No. 64 referred as recommended.

The Speaker signed S. B. No. 4 in the presence of the House.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 14, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentleman—I have the honor to inform you that I have this day approved and signed H. J. M. No. 3, "praying for the passage of S. B. No. 2373, for an act to amend Sections 2474 and 2475 of the Revised Statutes of the United States." Respectfully,

J. E. RICKARDS, Governor.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred the estimates for the State of Montana for the years 1893 and 1894;

H. B. No. 129, entitled "An act to create a home for the care of orphans, half-orphans, foundlings and destitute children, and to provide for its maintenance and management;"

H. B. No. 134, entitled "An act creating the office of City Superintendent of Public Schools, and prescribing the qualifications and duties of the persons who shall hold the same;"

H. B. No. 135, entitled "An act to provide for the payment of Joseph Hogan for office and traveling expenses as Mine Inspector;"

H. B. No. 136, entitled "An act to provide for the payment of Bernard Brown for services rendered the State as an expert in examining the books of the State Treasurer and State Auditor;"

H. B. No. 143, entitled "An act to provide for the payment of the Helena Power and Light Company for electric lights furnished to the First Legislative Assembly of the State of Montana;"



H. B. No. 144, entitled "An act to provide for the payment of Mrs. Janet C. Kinna for supplies furnished to the State Senate of the First Legislative Assembly;"

H. B. No. 145, entitled "An act to provide for the payment of Douglas Sampson for services rendered the State of Montana;"

H. B. No. 137, entitled "An act to provide for the payment of G. C. Swallow for office and traveling expenses as Mine Inspector;"

H. B. No. 138, entitled "An act to provide for the payment of E. W. Knight for money advanced to the Independent Publishing Company for printing the Codes of the State of Montana in accordance with contract therefor;"

H. B. No. 139, entitled "An act to provide for the payment of J. D. Taylor for supplies furnished to the House of Representatives of the First Session of the Legislature;"

H. B. No. 141, entitled "An act to provide for the payment of Martin Maginnis, Mineral Land Commissioner, for salary and contingent expenses for the fiscal year of 1892;"

H. B. No. 142, entitled "An act to provide for the payment of J. P. Blakely for services rendered the State as custodian in charge of the buildings and lands at Fort Ellis;"

H. B. No. 140, entitled "An act to provide for the payment of Horace R. Buck for preparing an index to the Acts of the Second Legislative Assembly." Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker announced the following references of bills:

H. B. No. 129, to Committee on State Institutions.

H. B. No. 134, to Committee on Education.

House Bills Nos. 135 to 145, both inclusive, to Committee on Appropriations and Claims.

The House resolved itself into a Committee of the Whole for consideration of general orders, Burke in the chair.

House resumed.

5:05 P. M.

The Speaker in the chair.

Burke made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 97, 98 and 67 beg leave to report as follows:

That H. B. No. 97 do pass as read.

They desire to report progress on House Bills Nos. 98 and 67, and ask leave to sit again at 7:30 P. M.

BURKE, Chairman.

Report was adopted.

H. B. No. 97 was referred to Engrossing Committee.

By Annear—*Mr. Speaker:* Your Committee on Affairs of Cities, having had under consideration H. B. No. 116, "An act to prohibit the sale of intoxicating liquors within three miles of any University," beg leave to report the same back with the recommendation that it do not pass.

(Signed) JOSEPH ANNEAR, Chairman.

H. B. No. 116 was placed on general orders.

On motion of Bach, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 15, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members were present except McDonel.

Prayer by the Chaplain.

Journal of the forty-fourth day read and approved.

Notices of the introduction of bills were given as follows:

By Rose—A bill fixing the penalty for the crime of burglary.

The following reports were received and read:

By Lockey—*Mr. Speaker*: Your Committee on Ways and Means, having carefully considered H. B. No. 119, "An act amending Section 4 of 'An Act Concerning Compensation of County, District and Township Officers' of the Laws of 1891," most respectfully report the same back to the House with the recommendation that it do not pass, for the reason that the subject has been adopted.

LOCKEY, Chairman.

Also—

*Mr. Speaker*: Your Committee on Ways and Means have considered S. B. No. 21, "An act providing for the appointment of a Deputy State Auditor," and respectfully report the same back to the House with the recommendation that it do not pass; with the further recommendation that the appropriation for clerical assistance in the State Auditor's office be provided for in the general appropriation bill for the Executive Department, and the same be fixed at not more than fifteen hundred dollars (\$1,500) per annum.

(Signed) LOCKEY, Chairman.

Also—

*Mr. Speaker*: Your Committee on Ways and Means, to whom was referred S. B. No. 22, "An act providing for the appointment of a Deputy State Treasurer," respectfully report the same back to the House with the recommendation that it do not pass, and the further recommendation that the appropriation for clerical assistance in the State Treasurer's office be provided for in the general appropriation bill for the Executive Department, and the same be fixed at not more than twelve hundred dollars (\$1,200) per annum.

(Signed) LOCKEY, Chairman.

H. B. No. 119 and Senate Bills Nos. 21 and 22 were placed on general orders.

By Beecher—*Mr. Speaker*: Your Committee on Privileges and Elections, having had under consideration H. B. No. 107, entitled "An act providing for the registration of electors and to prevent fraud at elections," wish to report the same to the House with the recommendation that the same do pass.

D. W. BEECHER.

H. B. No. 107 was placed on general orders.

The following bills were introduced:

By Scharnikow, H. B. No. 175—An act fixing the fees to be charged and collected by Clerks of the District Court for the use of their respective counties.

By Babcock, H. B. No. 176—An act to appropriate money for the payment of the bounties for the killing of certain stock-destroying animals.

By Tallant, H. B. No. 177—An act providing for the creation of the office of Game and Fish Commissioners.

By Carpenter, H. B. No. 178—An act to amend Section 1448 of the Fifth Division of the Compiled Statutes of Montana.

By Carpenter, by unanimous consent, H. B. No. 179—An act to amend Section 498, Chapter VIII, First Division of the Compiled Statutes of Montana.

Also, H. B. No. 180—An act to amend Section 6, Chapter I, Third Division of the Compiled Statutes of Montana.

By Monteath, H. B. No. 181—An act to amend Sections 201 and 202 of an act entitled "An Act Concerning Revenue," approved March 6, 1891.

Also, H. B. No. 182—An act to repeal Section 1078, Fifth Division, General Laws.

Also, H. B. No. 183—An act providing for the transportation of prisoners to the State Prison, and regulate the expenses therefor.

By Walkup, H. B. No. 184—An act appropriating money to defray the expenses of the Montana State Firemen's Associations.

By Graves, H. B. No. 185—An act to amend an act entitled "An Act to Regulate the Practice of Medicine in the Territory of Montana, and to Provide for the Examination and Issuing of Certificates to Persons Desirous of Practicing the Same, and for the Punishment of Persons Violating the Provisions of This Act," approved February 28, 1889.

House Bills Nos. 175 to 185, both inclusive, were read first and second times and referred to the Printing Committee.

The following message was received from the Governor:

EXECUTIVE OFFICE,

Helena, Montana, February 15, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 82, being "An act appropriating money for the Journal Publishing Company, for interest upon certain claims authorized by the Second Legislative Assembly of the State of Montana."

I have also approved and signed H. B. No. 58, being "An act appropriating money for services rendered by William J. Kennedy as Clerk of the Supreme Court from November 8, 1889, to March 7, 1891."

Also, H. B. No. 34 has been approved and signed, being "An act appropriating money for the relief of William M. Blackford for services rendered the State of Montana."

H. B. No. 35, being "An act appropriating money for the relief of



Stephen Carpenter for services rendered the State of Montana," has been approved and signed.

Respectfully,

J. E. RICKARDS, Governor.

A message was received from the Senate as follows:

SENATE CHAMBER,

Helena, Montana, February 11, 1893.

*Mr. Speaker.* I am directed by the Senate to inform your honorable body that Steele, by consent, without giving previous notice, introduced S. B. No. 51, "An act to create a State Board of Health and Bureau of Vital Statistics, to take precautionary measures to prevent the introduction of cholera and other epidemic diseases."

Buford gave notice of a bill to create a home for the care of orphans, foundlings and destitute children, and provide for its maintenance and management.

S. B. No. 43 has been indefinitely postponed.

Substitute for S. B. No. 14 and Senate Bills Nos. 19, 34 and 39 have passed the Senate, and they are herewith transmitted.

H. B. No. 6, as amended, H. B. No. 44, as amended and House Bills Nos. 56 and 105 have been concurred in by the Senate, and they are herewith transmitted.

The Governor has approved S. B. No. 16.

Very respectfully,

DAVID MARKS, Secretary.

Substitute for S. B. No. 14 was read first and second times and referred to Committee on Towns, Counties and Highways.

Senate Bills Nos. 19 and 34 were read first and second times and referred to Committee on Railroads and Transportation.

S. B. No. 39 was read first and second times and referred to Committee on Incorporations and Manufactures.

Senate amendments to H. B. No. 6 were concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Benson, Bonner, Burns, Butler, Carpenter, Coder, Dudley, Fitzgerald, Goodell, Gorman, Huffman, Jeffers, Laurence, Leech, McKay, Martin, Metzel, Sappington, Truman, Wahle, Ward, Walkup, Winter, The Speaker—27.

Noes—Beecher, A. F. Bray, Burke, Fitschen, Fleming, Kilgallon, Lewis, Lockey, Lockhart, Logue, Loring, Losee, Monteath, Rose, Scharnikow, Smalley, Tallant, Tierney, Van Cleve, Wilson—20.

On motion of Monteath, H. B. No. 44, with Senate amendments thereto, was made a special order for 2 P. M.

H. B. No. 47 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McKay, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Smalley, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—50.

Noes—1.

Title agreed to.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 15, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President *pro tem.* of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was then taken on United States Senator with the following result:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, The President *pro tem.*—3.

The Speaker announced the following pair in the House:

McDonel and Tallant until McDonel's return.

The ballot in the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Dudley, Davidson, Fitschen, Kilgallon, Lockhart, Logue, Loring, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—18.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Van Cleve, Winter—22.

For Thomas Couch: Annear, Burns, Tierney—3.

For T. H. Carter: Coder—1.

The President announced the vote of the Joint Assembly to be as follows:

For T. H. Carter, 1 vote.

William A. Clark, 24 votes.

William W. Dixon, 12 votes.

Lee Mantle, 29 votes.

Thomas Couch, 3 votes.

Total votes cast, 69.

There being no choice, the President *pro tem.* declared no election.

On motion of Senator Cullen, the Joint Assembly dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 2 P. M.

## AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

Reports of committees:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit the following bills as correctly engrossed:

H. B. No. 37, "An act to provide further protection to game, fur-bearing animals and fish."

H. B. No. 92, "An act concerning the duties of School Trustees."

H. B. No. 97, "An act to provide revenues for the support of the government of the State of Montana for the fiscal years of 1893 and 1894."

H. B. No. 102, "An act to authorize the amendment of certificates of incorporation of railroad companies." WILSON, Chairman.

The report was received.

House Bills Nos. 37, 97, 102 and 92 were placed on file for third reading.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. B. No. 146, entitled "An act to provide for the payment of George W. Sproule for services rendered the State as Deputy Clerk of the Supreme Court;"

H. B. No. 147, entitled "An act to amend an act entitled 'An Act to Provide for the Organization, Registration and Discipline of the National Guard of Montana;'"

H. J. M. No. 8, "To authorize Arthur W. Ide to prepare and publish an official map of the State of Montana;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The report was received.

H. B. No. 146 was referred to the Committee on Appropriations and Claims.

H. B. No. 147 was referred to the Committee on Military Affairs.

H. J. M. No. 8 was referred to the Committee on State Boards and Officers.

On motion of Scharnikow, House Bills Nos. 70 and 107 were made a special order for 2 P. M. Friday.

On motion of A. F. Bray, S. B. No. 12 was made a special order for 3:30 P. M. Thursday.

On motion of A. F. Bray, H. B. No. 123 was made a special order for 3 P. M. next Monday.

By unanimous consent, the House reconsidered its action in regard to concurring in the Senate amendments to H. B. No. 6, and ordered that the same be acted upon immediately after the special order of H. B. No. 44.

On motion of A. F. Bray, the following resolution was adopted:

*Resolved*, That all House Bills returned from the Senate with Senate amendments, be referred to the Committee of the Whole, to be acted upon, if possible, on the day received, and the concurring in Senate amendments be made by a call of the roll.

The hour having arrived for the special order—H. B. No. 44, and Senate amendments—the House resolved itself into a Committee of the Whole, Scharnikow in the chair.



3:00 P. M.

House resumed.

The Speaker in the chair.

By Scharnikow—*Mr. Speaker*: Your Committee of the Whole, having had under consideration House Bills Nos. 44 and 6, with Senate amendments thereto, report the same back with the recommendation that Senate amendments to H. B. No. 44 be concurred in.

That Senate amendments to H. B. No. 6 be not concurred in, and a conference committee be appointed. SCHARNIKOW, Chairman.

Report was adopted.

Senate amendments to H. B. No. 44 were concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Winter, The Speaker—45.

Noes—None.

H. B. No. 44, as amended, was referred to Enrolling Committee.

Senate amendments to H. B. No. 6 were not concurred in by the following vote:

Ayes—Annear, Carpenter, Ward, The Speaker—4.

Noes—Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burke, Butler, Coder, Fitschen, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Tallant, Tierney, Truman, Van Cleve, Wahle, Walkup, Winter—41.

On motion of Tallant, a Committee of Conference was appointed by the Speaker on H. B. No. 6 and Senate amendments thereto, consisting of Messrs. Bach, Tallant and Carpenter.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 15, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 28, being "An act to legalize and confirm the acts of Notaries Public." Respectfully,

J. E. RICKARDS, Governor.

Report of committee:

By A. F. Bray—*Mr. Speaker*: Your Committee on State Institutions, to whom was referred H. B. No. 129, "A bill for an act to create a home for orphans," beg leave to report same back with recommendation that it do pass with the following amendment:

Wherever the word "Butte" appears in the bill substitute the word "Walkerville."

(Signed)

A. F. BRAY, Chairman.

D. W. BEECHER.

JOSEPH ANNEAR.

BABCOCK.

T. S. ASH.

The report was received.

H. B. No. 129 was placed on general orders.

The hour having arrived for the special order, H. B. No. 95, the House resolved itself into Committee of the Whole, Benson in the chair.

5:10 P. M.

House resumed.

The Speaker in the chair.

Benson made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 95, beg leave to report the same back with the recommendation that it do pass.

BENSON, Chairman.

Report was adopted.

H. B. No. 95 was referred to the Engrossing Committee.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the Chair.

Roll called and all the members were present.

Prayer by the Chaplain.

Journal of the forty-fifth day read and approved.

The following communication was received and read:

*To the Honorable Speaker and Members of the House of Representatives of the Third Legislative Assembly of the State of Montana.*

Desiring, on behalf of the Montana Historical Society, to secure photographs of all the members of your honorable body, I respectfully request that each of you will call on Taylor, the photographer, on Main street, opposite the Northern Pacific Railroad offices, and sit for photographs.

I can assure all that the work will be excellent.

WILLIAM F. WHEELER, Librarian.

The following reports of committees were received:

By Graves—*Mr. Speaker:* Your Committee on Military Affairs, to whom was referred H. B. No. 147, entitled "An act to amend an act entitled 'An Act to Provide for the Organization, Regulation and

Discipline of the National Guard of Montana,'” beg leave to report the same back with the recommendation that it do pass.

(Signed)

S. W. GRAVES, Chairman.

A. O. ROSE.

J. E. FLEMING.

CHARLES E. DUDLEY.

H. B. No. 47, placed on general orders.

By C. H. Bray—*Mr. Speaker*: Your Committee on Irrigation, to whom was referred H. J. M. No. 7, having had the same under consideration, do respectfully report same resolution back and recommend that it do pass.

C. H. BRAY, Chairman.

H. J. M. No. 7, placed on general orders.

By Bach—*Mr. Speaker*: Your Committee on Judiciary, to whom was referred H. B. No. 40, entitled “An Act Concerning Licenses,” beg leave to report the same back to your honorable body as follows:

We recommend that Section 8 of H. B. No. 40 be amended by striking out in the original bill all of said Section down to the word “all” in line 4 of said Section.

And that said Section 8 be amended further by striking out the word “other” in line 4 of said Section.

THOMAS C. BACH, Chairman.

H. B. No. 40, placed on general orders.

On motion of Scharnikow, H. B. No. 8 was taken from general orders and referred to a special committee consisting of Babcock and Scharnikow.

Third reading of bills:

H. B. No. 66 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, A. F. Bray, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Losee, McKay, Martin, Metzel, Monteath, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—42.

Noes—Loring—1.

Title agreed to.

H. B. No. 72 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Tierney, Van Cleve, Wahle, Walkup, Winter, The Speaker—40.

Noes—Loring, Scharnikow, Truman, Ward, Wilson—5.

Title agreed to.

H. B. No. 97 was read a third time and passed by the following vote:



Ayes—Annear, Ash, Bach, Babcock, Beecher, Benson, Bonner, Bray, A. F., Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—48.

Noes—None.

Title agreed to.

H. B. No. 102 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, Bray, A. F., Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Winter, The Speaker—44.

Noes—Jeffers—1.

Title agreed to.

H. B. No. 92 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Wahle, Ward, Winter, The Speaker—46.

Noes—None.

Title agreed to.

H. B. No. 37 was recommitted to the Engrossing Committee for correction.

Scharnikow made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled:

H. B. No. 56, "An act appropriating certain moneys for the payment of repairs and improvements made upon State Prison buildings by authority of the Board of State Prison Commissioners."

Also, H. B. No. 105, "An act appropriating money for the relief of John R. Eardley for services rendered the State of Montana."

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 44, "An act to punish administrators, executors or guardians failing to render accounts or file reports required by law."

SCHARNIKOW, Chairman.

The reports were received.

The Speaker announced that he was about to sign House Bills Nos. 56, 105 and 44, and he signed the same in the presence of the House.

The following bills were introduced:

By Tallant (by consent, without previous notice), H. B. No. 186—An act to amend Section 1907, Fifth Division of the Compiled Statutes of Montana, concerning apportionment of school moneys.

By Graves, H. B. No. 187—A bill for an act to amend Sections 1925 and 1926, Fifth Division of the Compiled Statutes of Montana.

The Special Committee, to whom was referred H. B. No. 64, made the following majority and minority reports:

*Mr. Speaker.* A majority of your Special Committee, to whom H. B. No. 64 was referred, beg leave to report that, while we disclaim any right or desire to interfere with the boundary lines of the County of Meagher, we most earnestly protest against any interference by Meagher County, or, in fact, any other county in the State, with the lines of Jefferson County, for the following reasons: The boundary lines of Jefferson County are better defined than any other county. The southern and eastern boundaries are the Missouri and Jefferson Rivers, while the western boundary lies along the summit of the main range of the Rocky Mountains. The county is already small in area, being less than half the size of Meagher, and our resources are of such a nature that they must in the future fall off rather than increase. The assessable valuation of property in Jefferson County in 1891 was \$800,000 more than in the year 1892; besides, much of the revenues being dividends from the net proceeds of mines, the low price of silver renders this source of revenue too uncertain to be relied upon. A large revenue which has heretofore come from flumes and cordwood cut upon the mountains will of necessity be lost on account of the timber supply being exhausted. The lines of the proposed Broadwater County would, besides taking nearly half of Jefferson, completely cut off its grazing lands and great farming district, the Crow Creek Valley, the principal and most substantial wealth-producing portion of the mother county.

It would reduce Jefferson from a second to a third-class county and leave it with a dead load, considering its chances of revenue, entirely too heavy.

The present indebtedness of Jefferson County is now about \$175,000, and to sever from it the principal source of its revenue would be wrong, unjust and unbecoming a Legislature representing the people.

The forming of new counties is proper enough when the same does not materially effect the mother county, but in all cases the solvency of the commonwealth must be well and safely guarded.

Therefore, the majority of your Special Committee, the House members of Jefferson County, coming from the sovereign as their choice, expressed at the late election, demand at the hands of the House of Representatives that no wrong be done, and that Jefferson County be not impaired by a reduction of its area.

BENJAMIN WAHLE.

W. H. LOCKHART.

HARRY WINTER,

H. H. SAPPINGTON.

We further recommend it do not pass.

Also—



*Mr. Speaker:* A minority of your Special Committee, consisting of members from Meagher and from Jefferson Counties, to whom was referred H. B. No. 64, "A bill for an act to create the County of Broadwater," for the purpose of perfecting amendments thereto, have performed the duty assigned them, and the undersigned members of said committee hereby report said bill, with amendments accompanying, which they recommend be adopted.

N. E. BENSON.

W. E. TIERNEY.

Amendments to H. B. No. 64:

Amend line 26, Section 4 (words printed bill), by inserting in lieu of "First day of March, 1893," the words "First day of August, 1894."

Amend line 29, Section 4 (printed bill), by inserting the words "First day of August, 1894," in lieu of "First day of March, 1893."

Amend line 35, same section, by striking out the words "Hon. Frank Henry" and inserting in lieu thereof the word "the."

Amend line 37, same section, by inserting figures "1895" in lieu of "1893."

Amend line 38, same section, by inserting figures "1894" in lieu of "1892."

Amend line 41, Section 5, by inserting "First day of August, 1894," in lieu of "First day of March, 1893."

Amend line 44, same section, by inserting "First day of August, 1894," in lieu of "First day of March, 1893."

Amend line 50, same section, by striking out the words "Hon. Frank Showers."

Amend line 52, same section, by inserting figures "1895" in lieu of figures "1893."

Amend line 53, same section, by inserting figures "1894" in lieu of "1892."

Amend line 83, Section 9, by inserting figures "1895" in lieu of "1893."

Amend line 106, Section 10, by striking out the words "within fifteen days after the passage of this act" and insert in lieu thereof the words "upon the first day of August, 1894."

Amend by striking out Section 13 and renumbering subsequent sections.

Amend Section 11 by adding after the word "officers," in first line, the words "and registration agents;" also, by adding after the word "elected," in second line of same section, the words "or appointed."

Reports were received.

On motion of Walkup, H. B. No. 64 was made a special order for 4 P. M. by the following vote:

Ayes—Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockhart, Losee, McDonel, McKay, Monteath, Smalley, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—36.

Noes—Annear, Burrell, Fleming, Goodell, Laurence, Lockey, Logue, Loring, Metzel, Sappington, Scharnikow, Truman—12.



The following message was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, February 13, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 49 and 51 have been indefinitely postponed.

Buford introduced S. B. No. 52, "An act to provide a home for the care and education of orphans, foundlings and destitute children, and to provide for its maintenance and management."

Hoffman, by consent, without having given previous notice, introduced S. B. No. 53, "A bill for an act to authorize the State Board of Education to select lands from the school lands and other public lands of the State for the uses and purposes of the educational institutions of the State."

Notices of the introduction of bills were given as follows:

By Power—A bill for an act relative to sureties on undertakings and bonds.

By Goddard—A bill for an act to provide for the incorporation of companies to do the business of accident insurance on the assessment plan, and to control such companies of this State and of other States doing business in this State.

H. J. M. No. 4 and H. B. No. 23 have been concurred in by the Senate, and they are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

H. B. No. 23 and H. J. M. No. 4 were referred to the Committee on Enrollment.

The following message was received from the Governor:

GOVERNOR'S OFFICE,  
Helena, Montana, February 16, 1893.

*To the Honorable Speaker and Members of the House of Representatives.*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 16, being "An act to create the County of Ravalli, to define its boundaries and to provide for its organization." Respectfully, J. E. RICKARDS, Governor.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

JOINT ASSEMBLY.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President *pro tem.* of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For William W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Dudley, Davidson, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For William W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Talant, Van Cleve, Winter—23.

For Thomas Couch: Annear, Burns—2.

For W. H. Hunt: Coder, Tierney—2.

The President announced the vote of the Joint Assembly to be as follows:

W. H. Hunt, 2 votes.

William A. Clark, 25 votes.

William W. Dixon, 12 votes.

Lee Mantle, 30 votes,

Thomas Couch, 2 votes.

Total votes cast, 71.

There being no choice, the President declared no election.

On motion of Senator Goddard, the Joint Assembly dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

On motion of C. H. Bray, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present,

The following reports of committees were received:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment, having engrossed H. B. No. 37 in strict accordance with and including all the amendments, "verbatim," as referred to us from the Committee of the Whole on date of February 13, and inasmuch as the same has been referred back to this committee for correction, we, your Committee on Engrossment, having compared the same carefully, find H. B. No. 37 as above stated, and as we are powerless to make the necessary correction without the official sanction of the House, do respectfully request that you re-refer said bill to the Committee of the Whole for the necessary corrections to be made after the word "degrees" in Section 18.

Respectfully submitted,

WILSON, Chairman.

Also—

*Mr. Speaker:* Your Committee on Engrossment respectfully submit H. B. No. 95, an act to amend Section 4 of Article V, and Sections 2, 3 and 4 of Article VI, of the Constitution of the State of Montana, in relation to the number and apportionment of State Senators and Representatives as correctly engrossed.

WILSON, Chairman.

H. B. No. 95 was placed on file for third reading.

H. B. No. 37 was referred to general orders.

By Lewis—*Mr. Speaker:* Your Committee on State Boards and Officers, to whom was referred H. J. R. No. 8, to authorize Arthur W. Ide to prepare and publish an official map of the State of Montana, having had the same under consideration, respectfully report said resolution back, and recommend that it do pass.

Respectfully submitted, LEWIS, Chairman.

H. J. R. No. 8 was placed on general orders.

The hour having arrived for special order—House Bills Nos. 108 and 109—the House resolved itself into a Committee of the Whole, Fitschen in the Chair.

4:00 P. M.

House resumed.

The Speaker in the chair.

Fitschen made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. Nos. 109 and 108, beg leave to report the same back with the recommendation that House Bills Nos. 109 and 108 do pass with the following amendments:

GEO. C. FITSCHEN, Chairman.

Amendments to H. B. No. 109:

Add to Section 1, "Not more than two of the said commissioners shall be members of the same political party."

Amend Section 10, line 70: After the word "preferred" insert the word "stock."

Amendments to H. B. No. 108:

Amend Section 1 by adding the words "and, *Provided, further,* That the point so designated shall be within a reasonable distance of the point of starting of such switch or side track."

Amend Section 1, lines 1 and 3, by adding after the word "mill" the words "mine, wood flume or stone quarry."

Amend Section 7 by striking out the words "twenty-four" and insert in lieu thereof "thirty-six."

Amend Section 10 by striking out the words in line 96 and 97 "the laws of this State pertaining to railroads to be done" and substitute the words "this act."

Also, strike out in line 98 the words "laws of this State pertaining to railroads" and substitute the words "provisions of this act."

Amend Section 10 by striking out at end of line 93 the words "the laws of," and also in line 94 the words "this State pertaining to railroads," and substitute the words "this act."

Amend Section 10 in line 94, printed bill, by striking out the words "one thousand" and insert the words "one hundred."



In line 95 strike out the word "ten" and insert the word "one."

The report was adopted.

House Bills Nos. 109 and 108, as amended, were referred to the Committee on Engrossment.

On motion of A. F. Bray, the special order—S. B. No. 12—was postponed and made a special order to immediately follow the consideration of the special order, H. B. No. 64.

The hour having arrived for the special order—H. B. No. 64—the House resolved itself into a Committee of the Whole, Leech in the chair.

5:45 P. M.

House resumed.

The Speaker in the chair.

Leech made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 64, beg leave to report the same back, recommending it do pass with the following amendments.

E. E. LEECH, Chairman.

Amendments to H. B. No. 64:

All the amendments as recommended by the Special Committee, consisting of Messrs. Benson and Tierney, as contained in their report of this date (see folio 343).

Also: First—Strike out after the word "intersects" in line 12 (printed bill), the words "the boundary line between north range 1 and 2 west, thence due south along said line to the," and insert in lieu thereof the words "and across Spokane Creek, thence southwest in a direct line to the nearest and most northerly."

Second—Amend in line 37 (printed bill) by striking out the words "first day of March," and insert in lieu thereof "fifteenth day of March."

Third—Amend in line 51 (printed bill) by inserting in the blank space after the word "the" the word "twenty-seven."

Fourth—Amend in line 72 (printed bill) by inserting after the word "Jefferson" the word "County."

Fifth—Amend in line 85 (printed bill) by inserting after the word "Jefferson," the words "and Meagher;" also, in same line the word "which," in lieu of the word "such."

Report was received.

Carpenter moved that the report be adopted.

On motion of Monteath, seconded by ten members, a call of the House was ordered.

On a call of the roll, Bray, C. H., Davidson, Swett and Wilson were found to be absent.

The Sergeant-at-Arms was dispatched after absentees.

On motion of Monteath, further proceedings under the call was dispensed with by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Benson, Bonner, Bray, A. F., Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Smalley, Tallant, Tierney, Van Cleve, Ward, Walkup—39.

Noes—Fleming, Graves, Lockey, Logue, Loring, Sappington, Scharnikow, Truman, Wahle, Wilson, Winter, The Speaker—12.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 17, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were found present.

Prayer by the Chaplain.

Journal of the forty-sixth day read and approved.

A petition was received and read from J. O. Crigg and sixty-three others, residents of Great Falls, praying for the passage of S. B. No. 40. Referred to Committee on Railroads and Transportation.

The following memorial was received and read:

We, the Committee on Resolutions, representing the people of Teton County, in convention assembled, desire by these presents to express our sincere appreciation and gratitude to the members of the Third Legislative Assembly of Montana, and to His Excellency, the Governor of Montana, for their actions in the unanimous passage and approval of the bill for the creation of Teton County.

JAMES GIBSON,  
JAMES CORY,  
T. W. LETT,  
Committee,

Choteau, Teton County, Mont., February 13, 1893.

The following notices of bills were given:

By Ash—A bill to establish and define the boundaries between Yellowstone and Park Counties.

By A. F. Bray—A bill for an act to regulate the payment of wages.

By Swett—An act to amend an act entitled "An Act Concerning Compensation of County, District and Township Officers," Laws of Montana, Second Session, 1891.

By Bach—A bill for an act to amend Section 513 of the Fifth Division of the Compiled Laws of the State of Montana.

The following reports of committees were received and read:

By Walkup—*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. No. 148, entitled "An act to amend Sections 7 and 9 of an act entitled 'An Act to Create the Office of County Auditor,' approved March 7, 1891;"

H. B. No. 149, entitled "An act to prohibit selling, giving or furnishing tobacco in any of its forms to certain minors, and providing a penalty therefor;"

H. B. No. 150, entitled "An act concerning neglected wire fences;"

H. B. No. 151, entitled "An act to add another section to Chapter No. V, Revised Statutes of Montana, which shall be known as Section 931, in relation to Constables;"

H. B. No. 152, entitled "An act to amend Section 473, Second Division of the Compiled Statutes of Montana, relating to legacies;"

H. B. No. 153, entitled "An act to authorize the Attorney-General to appoint a deputy;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker announced the following references of bills:

H. B. No. 148, to Committee on Affairs of Cities.

H. B. No. 150, to Committee on Agriculture and Stock Growing.

House Bills Nos. 151 and 152, to Committee on Judiciary.

H. B. No. 153, to Committee on State Boards and Officers.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, February 16, 1893, at 4:20 P. M., delivered to Governor J. E. Rickards for his approval:

H. B. No. 44—An act to punish Administrators, Executors or Guardians failing to render accounts on file reports according to law. Also,

H. B. No. 56—An act appropriating certain moneys for the payment of repairs and improvements made upon State prison buildings by authority of the Board of State Prison Commissioners. Also,

H. B. No. 105—An act appropriating money for the relief of Jno. R. Eardley, for services rendered the State of Montana.

SCHARNIKOW, Chairman.

By Smalley—*Mr. Speaker*: Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 110, being "A bill for an act to create the County of Granite, to define its boundaries and provide for its organization and government," having had the same under consideration, respectfully report the said bill back and recommend that it do pass with the following amendments:

Strike out the words "the mouth of Rock Creek on Hell Gate River, thence continuing along said line extended due west to a point on the summit of the range of mountains between Rock Creek and Bitter Root Rivers," found after the words "Deer Lodge County," on lines 20, 21, 22; 23 and 24 of Section 1 of original bill, and insert the following: "To the Northeast corner of Ravalli County, thence along the North boundary line of said county to a point due North of the summit of the mountain range dividing Rock Creek and Bitter Root Rivers."

After the word "State," found on line 3 of Section 2, insert the following: "And regular terms of the District Court as fixed by law shall be held at the County Seat of the said County of Granite."

Strike out the name "J. W. Blair," found on line 4, Section 10, and insert in lieu thereof the name "George B. Cain."

Strike out the name "Daniel Arms," found on line 7, Section 10, and insert in lieu thereof the name "John H. Cole."

Strike out the name "A. Huffman," found on line 6, Section 10, and insert in lieu thereof the name "Ernest C. Freyschlag."



Strike out the name "Arthur A. Vairburn" in line 8, Section 10, and insert in lieu thereof the name "Arthur A. Fairbairn."

Strike out the name "George A. Reek," found on line 9 of said Section 10, and insert in lieu thereof the name "George J. Reek."

Strike out the name "William Albright," line 10 of said Section 10, and insert in lieu thereof the name "William E. Allbright."

Strike out the name "Winfield Brown," found on line 11 of Section 10, and insert in lieu thereof the name "Wingfield Brown."

Respectfully submitted, SMALLEY, Chairman.

H. B. No. 110 was placed on general orders.

Scharnikow moved that H. B. No. 110 be recommitted to a special committee of two, consisting of Messrs. McDonel and Logue, to establish definite boundaries of the newly proposed Granite County, to be designated by township or section lines according to government surveys.

Bonner moved to lay Scharnikow's motion on the table, which was lost by the following vote:

Ayes, 19; noes, 29.

The motion of Scharnikow was lost by the following vote:

Ayes, 23; noes, 28.

On motion of Truman, H. B. No. 48 was recalled from the Committee on Towns, Counties and Highways, and placed on general orders.

The following bills were introduced:

By Bray, A. F., by consent without previous notice, H. B. No. 188—An act creating the County of Sweet Grass, to define its boundaries, provide for its organization, and to change the boundaries of Park and Yellowstone Counties.

By Tallant, H. J. M. No. 8—Memorializing Congress in regard to railroads.

H. B. No. 188 and H. J. M. No. 8, read first and second times and referred to the Committee on Printing.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 17, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, The President *pro tem.*--3.  
The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Dudley, Davidson, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: A. F. Bray, Bonner, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—23.

For Thomas Couch: Annear, Burns—2.

For W. H. Hunt: Coder, Tierney—2.

The President announced the vote of the joint session to be as follows:

For W. H. Hunt, 2 votes.

For W. A. Clark, 25 votes.

For W. W. Dixon, 12 votes.

For Lee Mantle, 30 votes.

For Thomas Couch, 2 votes.

Total vote cast, 71.

There being no choice the President declared no election.

On motion of Senator Goddard, the Joint Assembly was dissolved.

12:05 P. M.

House resumed.

The Speaker in the chair.

On motion of C. H. Bray, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

On motion of Scharnikow, the House resolved itself into Committee of the Whole for the consideration of special orders, viz.: S. B. No. 12 and House Bills Nos. 70 and 107, Graves in the chair.

4:10 P. M.

House resumed.

The Speaker in the chair.

Graves made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 12 and House Bills Nos. 70 and 107, report the same back recommending that S. B. No. 12 be concurred in as amended.

On H. B. No. 70, they report progress and ask leave to sit again.

On H. B. No. 107, that it be referred to a special committee consisting of Scharnikow, Rose and Benson, with instructions to report the bill back on Tuesday next at 2 P. M., and that the bill be made a special order for that time.

GRAVES, Chairman.

Report was adopted.

S. B. No. 12 was placed on file for third reading.

H. B. No. 107 was referred to special committee as recommended.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 17, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 45, being “An act to establish a Bureau of Agriculture, Labor and Industry, and provide for the appointment of a Commissioner thereof and define his duties.”

Respectfully, J. E. RICKARDS, Governor.

Also—

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 105, being “An act appropriating money for the relief of John R. Eardley for services rendered the State of Montana.”

I have also approved and signed H. B. No. 44, being “An act to punish Administrators, Executors or Guardians failing to render accounts or file reports according to law.”

I have also approved and signed H. B. No. 56, being “An act appropriating certain moneys for the payment of repairs and improvements made upon State prison buildings by authority of the Board of State Prison Commissioners.”

Respectfully, J. E. RICKARDS, Governor.

Also—

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 2, being “An act regulating the hours of labor of stationary engineers and fixing penalties for violations thereof.”

Respectfully, J. E. RICKARDS, Governor.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,

Helena, Montana, February 17, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of claims in the sum of \$3,841.29, which shows—

(a) The names of persons, companies or corporations to whom the State is indebted;

(b) The nature of the indebtedness or claim against the State;

(c) The amount of such indebtedness or claim;

(d) The amount approved by the Board;

(e) The total amount;



(f) The amount disallowed and the reason for disallowing same; and

(g) The reason why the same has not been paid.

Accompanying this statement are bills presented to the board in the nature of vouchers for the services rendered.

J. E. RICKARDS,

H. J. HASKELL,

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 16, 1893.

*Mr. Speaker.* I am directed by the Senate to inform your honorable body that S. B. No. 50 was indefinitely postponed.

The Senate refuses to recede from its amendments to H. B. No. 6, and respectfully request that the House concur in the same.

Power introduced S. B. No. 54, "An act relative to sureties on undertakings and bonds."

Notices of the introduction of bills were given as follows:

By Cullen—A bill for an act to amend Section 1353 of the Fifth Division of the Compiled Laws of Montana, regulating license on toll roads, bridges, ferries, water companies and other corporations not otherwise specified.

By McDermott—A bill entitled "An act to amend the general municipal incorporation act."

Substitute for S. B. No. 32 was read a third time and lost.

H. B. No. 52 was read a third time and was not concurred in, and the same is herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

On motion of Rose, the Speaker appointed Messrs. Bach, Scharnikow and Tallant as a Conference Committee to act with a like committee from the Senate on H. B. No. 6.

The following reports of committees were received and read:

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 23, "An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana."

SCHARNIKOW, Chairman.

The Speaker signed H. B. No. 23 in the presence of the House.

By Smalley—*Mr. Speaker:* In accordance with your order recalling H. B. No. 48, being "A bill for an act relative to roads and highways, and the repeal of all of Chapter CI from Section 1796 to 1836, both inclusive, of the Fifth Division of the Revised Statutes of the State of Montana, approved March 9, 1887, and March 12, 1885," from the Committee on Towns, Counties and Highways, to whom it was referred, said bill is herewith returned by said committee.

SMALLEY, Chairman.

H. B. No. 48 was placed on general orders.

By Walkup—*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 154, entitled "An act to amend Chapter I of the Probate Practice Act, Second Division, Laws of Montana;"

H. B. No. 156, entitled "An act to amend Sections 2 and 3 of an act entitled 'An act to establish a Territorial Board of Inspection for Steam Boilers, and for the examination and licensing of engineers,' approved March 1, 1889;"

H. B. No. 157, entitled "An act to regulate criminal proceedings;"

H. B. No. 159, entitled "An act to amend Sections 550 and 551 of the Fifth Division of the Compiled Statutes of Montana, relative to the election of Trustees of savings associations or savings banks;"

H. B. No. 162, entitled "An act to provide for the payment of the Independent Publishing Company for services rendered the State;"

H. B. No. 163, entitled "An act to provide for the payment of Bernard Brown for services rendered the State;"

H. B. No. 164, entitled "An act to provide for the payment of H. J. Howell for services rendered the State;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker announced the following references of bills:

House Bills Nos. 154, 157 and 159 to the Judiciary Committee.

House Bills Nos. 162, 163 and 164 to the Committee on Appropriations and Claims.

H. B. No. 156 to the Committee on State Boards and Officers.

By Tierney—*Mr. Speaker*: Your Committee on Incorporations and Manufactures, to whom was referred H. B. No. 94, being "A bill for an act defining corporations, providing for what purposes corporations may be formed, and for the dissolution and winding up of corporations offending against the provisions of this act by writ of *quo warranto*," having had the same under consideration, respectfully report said bill back without recommendation.

Respectfully submitted, W. E. TIERNEY, Chairman.

H. B. No. 94 was placed on general orders.

Messrs. Babcock and Scharnikow, the Special Committee to whom was referred the substitute for H. B. No. 8, made the following report:

*Mr. Speaker*: Your Special Committee, to whom was referred H. B. No. 8, beg leave to report as follows:

They recommend that the title be amended to read as follows:

"An act to locate State Prisons of Montana and to provide for the erection and repairs of buildings."

Amend Section 1 as follows:

"Section 1. That the Eastern State Prison of the State of Montana be and is hereby located at the City of Billings, or within a radius of two miles of said city, in the County of Yellowstone, State of Montana.

"That the penitentiary now situate at Deer Lodge, State of Montana, be and the same is hereby designated as the Western State Prison of the State of Montana."

Amend Section 2 as follows:

"Section 2. The Board of State Prison Commissioners shall, within thirty days after the passage of this act, proceed to the City of Billings, in the County of Yellowstone, and there select a site for said Eastern State Prison, consisting of not more than forty acres of land, which



site shall be within three miles of said City of Billings and shall include a stone quarry embracing not more than five acres."

Amend Section 3 as follows:

"Section 3. The Board of State Prison Commissioners are hereby authorized and empowered, and it shall be their duty, to cause to be commenced, on or before the first Monday in July, A. D. 1893, the building of the Eastern State Prison on the land and at the site selected by the Board of Prison Commissioners in accordance with the provisions of Section 2 of this act; also, to commence the construction of an exterior wall inclosing not less than eight nor more than twelve acres of land around the same."

Amend Section 4 as follows:

"Section 4. The walls of the entire prison structure shall be erected with stone to be taken from the granite quarries (if there be any) situated on the land selected by the Board, and the said prison structure shall be erected, finished and completed as speedily after it is commenced as practicable."

Amend Section 5 as follows:

"Section 5. Said Board of Prison Commissioners shall on or before the first Monday of April, A. D. 1893, cause to be published in a daily newspaper in the City of Helena, County of Lewis and Clarke, and City of Butte, County of Silver Bow, once in each week for four consecutive weeks, a notice to receive plans and specifications in detail at a place specified therein, for the construction of the Eastern State Prison, to be erected on the land and at the site selected by said Board, and upon the basis of the accommodation of not less than two hundred prisoners at one time."

Amend Section 6 as follows:

"Section 6. Said Board of Prison Commissioners, on or before the second Monday in May, 1893, shall adopt plans and specifications for said Eastern State Prison as aforesaid; and on or before the day last mentioned shall cause to be advertised in a daily newspaper printed in the City of Butte, County of Silver Bow; in the City of Billings, County of Yellowstone, and in the City of Helena, County of Lewis and Clarke, once each week for four consecutive weeks, a notice to receive sealed proposals and bids to construct and erect any part or portion of said Eastern State Prison upon the land and at the site selected by said Board, in accordance with the plans and specifications which shall have been theretofore adopted by said Board of State Prison Commissioners for the construction of the same, with the reserved right to reject any and all bids as being too high in price and advertise anew. The Board of Commissioners, on or before the first Monday in June, A. D. 1893, must let to the lowest responsible bidder the contract to construct and erect such part of said Eastern Prison as said Board of Prison Commissioners, in their discretion, may think proper, upon conditions that such contractor or contractors execute a good and sufficient bond, in double the amount of his or their bids, to perform such contract for the constructing and erecting any part of said prison structure in a skillful and workmanlike manner, in conformity with the plans and specifications aforesaid, which bond shall be approved by the Board of State Prison Commissioners: *Provided,*



*however*, That such contract shall not be let, nor shall the construction of the aforesaid State Prison, or of the exterior wall about the same, be commenced, until the said Board of State Prison Commissioners shall have received a warranty deed conveying to the State of Montana, free of all cost to said State, a good and sufficient title to the aforesaid land, both agricultural and stone, selected by the said Board in accordance with the provisions of Section 2 thereof.

“Said Board of State Prison Commissioners shall, on or before May 1st, 1893, cause to be advertised in one newspaper published in each of the Counties of Deer Lodge, Silver Bow and Lewis and Clarke once each week for four successive weeks a notice to receive sealed proposals and bids to make such improvements as they may deem necessary at the Western State Prison, to be designated as determined upon within thirty days after the passage of this act. The Board shall, on or before June 1st, 1893, let a contract for the construction of such improvements to the lowest responsible bidder; *provided*, such contractor execute a good and sufficient bond in double the amount of the bid to perform such contract, which bond shall be approved by the said Board.”

Amend Section 7 as follows:

“Section 7. The Board of State Prison Commissioners are hereby authorized to appoint a Superintendent of said Eastern Prison, who shall hold his office during the pleasure of the appointing power and until his successor is appointed and qualified, whose duty it shall be to superintend and manage the construction of said prison structure under such rules and regulations as may be prescribed by the Board of State Prison Commissioners under the provisions of this act.”

Amend Section 8 as follows:

“Section 8. All material necessary to be purchased in the construction of said Eastern Prison shall be by contract, and the Board of Prison Commissioners shall cause to be published in a newspaper in the County of Yellowstone and in one or more other counties, if they shall deem it necessary, a notice to receive bids therefor, and let the same to the lowest responsible bidder, whenever such material or supplies are needed.”

Amend Section 9 as follows:

“Section 9. All salaries paid to mechanics or laborers and all moneys expended for materials, tools or supplies used in the purchase of said site and the construction of said Eastern State Prison buildings and wall and all expenses incurred in making improvements at Western State Prison shall be drawn from the State treasury in and improvements at said Western State Prison, and shall, on or before the first day of September in each year, make a full report to the Governor, showing in detail all the transactions connected with the purchase of and construction of said prison.”

Amend Section 10 as follows:

“Section 10. The sum of seventy thousand (\$70,000.00) dollars is hereby appropriated for the year 1893 out of any moneys in the State treasury not otherwise appropriated for the purpose of carrying out the provisions of this act; three-fifths to be used for the erection of Eastern State Prison buildings, and two-fifths for the improvements

and repairs to the Western State Prison buildings, and thirty thousand (\$30,000.00) dollars is hereby appropriated for the year 1894 for the completion of the Eastern State Prison buildings, and the State Treasurer is hereby directed and required to set such sums apart for said years to the credit of the State Prison fund, subject to the orders and disbursements as herein provided; neither the Board of State Commissioners mentioned in Section 1 of this act nor any one acting under or for said Board shall incur or create any debt or debts, liability or liabilities under the provisions of this act, nor shall they make any contract or agreement in relation to the building and constructing of the State Prison provided for in this act, the completion and fulfillment of which will exceed the appropriation made in this section or in the balance of said appropriation unexpended at the time when such contract or agreement is entered into. Any violation of the foregoing provisions shall be a misdemeanor, and all such contracts and agreements shall be void."

Amend Section 11 as follows:

"Section 11. All acts and parts of acts, so far as the same are in conflict with the provisions of this act, are hereby repealed; the same manner as moneys are now drawn therefrom for the support and maintenance of the prisoners now confined at the State Prison at Deer Lodge; and the Board of State Prison Commissioners shall cause to be kept a correct account, in detail, of all moneys received, expended and disbursed by them in the building of said Eastern State Prison."

Amend Section 12 as follows:"

"Section 12. This act shall take effect and be in force from and after its passage and approval."

And, as amended, recommend that it do pass, and that it be given its former place on general orders. (Signed) E. SCHARNIKOW.

A. L. BARCOCK.

Substitute for H. B. No. 8 was placed on general orders.

Rose, by consent, without previous notice, introduced H. B. No. 189, "An act to amend Section 75, Fourth Division of the Compiled Statutes of Montana, relating to the crime of burglary." Read first and second times and referred to the Committee on Printing.

On motion of Lockey, by unanimous consent, H. B. No. 61 was withdrawn.

On motion of Tallant, H. B. No. 37 was made a special order for 11:30 A. M. to-morrow.

On motion of C. H. Bray, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FORTY-EIGHTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 18, 1893.

House met pursuant to adjournment at 10 A. M.



The Speaker in the chair.

Roll called and all members were present except Babcock, Beecher, Davidson, Laurence, Martin, Sappington, Truman.

Prayer by the Rev. Dr. Livingston.

Journal of the forty-seventh day read and approved.

Benson gave the following notice of a bill:

I hereby give notice that I will on Monday or some future day introduce a bill to amend Section 1613, Chapter XLVII, Fifth Division of the Compiled Statutes of Montana, relating to contracting for providing for the poor.

The following reports of committees were received:

By Committee on Agriculture and Stock Growing—*Mr. Speaker*: Your Committee on Agriculture and Stock Growing, to whom were referred H. B. No. 150, "An act concerning neglected wire fences," and H. J. M. No. 6, concerning the sugar industry, beg leave to report H. B. No. 150 back to the House with the recommendation that it do pass, and H. J. M. No. 6 without recommendation.

(Signed) H. H. SAPPINGTON.  
ALEX. METZEL.  
C. L. CODER.  
G. W. WARD.  
W. H. LOCKHART.  
J. R. MCKAY.

H. B. No. 150 and H. J. M. No. 6 were placed on general orders.

By Lewis—*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred H. B. No. 106, being "A bill for an act to amend Section 5 of 'An Act to Provide Fees and Compensation for the Several County Officers in the Counties of Montana,' approved March 14, 1889," having had the same under consideration, respectfully report said bill and recommend that it do not pass.

LEWIS, Chairman.

And—

*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred H. B. No. 114, being "A bill for an act to provide for the depositing of State and County funds in the banks of the State," having had the same under consideration, respectfully report said bill back without recommendation.

LEWIS, Chairman.

Also—

*Mr. Speaker*: Your Committee on State Boards and Officers, to whom were referred H. B. No. 153, being "A bill for an act to authorize the Attorney General to appoint a Deputy," and H. B. No. 148, being "A bill for an act to amend an act entitled 'An Act to Create the Office of County Auditor,'" having had the same under consideration, respectfully report said bill back with recommendations as follows:

That H. B. No. 153 do not pass.

That H. B. No. 148 do pass with the following amendments:

Strike out the words "*Provided, however*, That the Judge of the District Court of the County where any claim has been disapproved by the County Auditor may order the payment of the same," and insert in lieu thereof the following:



"*Provided, however,* That whenever a claim of any person against a county shall be disallowed, in whole or in part, or when any taxpayer of the county shall feel aggrieved by any allowance made by the County Auditor as excessive, unjust to the county or illegal, such person may appeal from the decision of such Auditor, in the same manner as appeals are allowed by law, from the actions of Boards of County Commissioners."

LEWIS, Chairman.

House Bills Nos. 114, 106, 153 and 148 were placed on general orders.

By Monteath—*Mr. Speaker*: Your Committee on Education, to whom was referred H. B. No. 134, "An act to create the office of City Superintendent of Public Schools, and prescribing the qualification and duties of persons who shall hold the same," would respectfully report the same back with the recommendation that it do pass.

MONTEATH, Chairman.

H. B. No. 134 was placed on general orders.

By Logue—*Mr. Speaker*: Your Committee on Public Lands, having considered H. B. No. 87, entitled "An act giving the consent of the State of Montana to the purchase by the United States of land in the State for the purpose of United States Court Houses, Post Offices and for other purposes, and ceding to the United States jurisdiction over such lands," be amended to read as follows:

First—That the title be amended to read "An act giving the consent of the State of Montana to the purchase by the United States of land in any city or town of the State for the purpose of United States Court House, Post Offices and for other like purposes," approved March 5th, 1891.

Second—That the figure 2 after the word "Section" in the seventh line of said bill be stricken out and the figure 1 be substituted in lieu thereof.

That the figure 3 after the word "Section" in line thirty of said bill be stricken out, and the figure 2 be substituted in lieu thereof.

And recommend that as so amended the bill do pass.

(Signed)

LOGUE, Chairman.

H. B. No. 87 was placed on the general file.

By Losee—*Mr. Speaker*: Your Committee on Enrollment beg leave to report to the House that they have had H. B. No. 23 correctly enrolled; that they have presented the same to the Senate and the President thereof has signed the same. Further, that they have delivered the said H. B. No. 23, being "An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana," to the Governor at the hour of 11:05 A. M. on February 18, 1893, for his approval.

LOSEE, Chairman *pro tem*.

By Walkup—*Mr. Speaker*: Your Committee, to whom were referred H. B. No. 158, "An act to authorize County Attorneys to issue subpoenas and compel the attendance of witnesses in certain cases;"

H. B. No. 155, "An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana;"

H. B. No. 160, "An act to provide for the sale of timber lands belonging to the State;"

H. B. No. 165, "An act to provide for the payment of various persons for services rendered the State;"

H. B. No. 167, "An act to provide for the payment of R. P. Stout for services rendered the State;"

H. B. No. 168, "An act to provide for the payment of John E. Lloyd and John M. Ramsey for transportation and board of convicts;"

H. B. No. 169, "An act concerning the location of mining claims, the record thereof and the work thereon;"

H. B. No. 171, "An act to appropriate money for the payment of certain persons for supplies furnished in fitting up rooms for the meeting of the Legislature;"

H. B. No. 172, "An act to appropriate money for the payment of the Western Union Telegraph Company;"

H. B. No. 173, "An act to appropriate money for the payment of certain persons for publishing notices of pardon by direction of the State Board of Pardons;"

H. B. No. 176, "An act to appropriate money for the payment of bounties for the killing of certain stock-destroying animals;"

H. B. No. 178, "An act to amend Section 1448 of the Fifth Division of the Compiled Statutes of Montana;"

H. B. No. 179, "An act to amend Section 498, Chapter VIII, First Division, Compiled Statutes of Montana;"

H. B. No. 180, "An act to amend Section 6, Chapter I, Third Division, Compiled Statutes of Montana;"

H. B. No. 188, "An act creating the County of Sweet Grass, defining its boundaries, providing for its organization, and to change the boundaries of Park and Yellowstone Counties;"

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker announced the following references of bills:

H. B. No. 188, to Committee on Towns, Counties and Highways.

H. B. No. 169, to Committee on Mines and Minerals.

H. B. No. 160, to Committee on Public Lands.

House Bills Nos. 165, 167, 168, 171, 172, 173 and 176 to Committee on Appropriations and Claims.

House Bills Nos. 155, 158, 178, 179 and 180, to Committee on Judiciary.

The following bills were introduced:

By Swett, H. B. No. 190—An act to amend an act entitled "An Act Concerning Compensation of County, District and Township Officers."

By A. F. Bray, H. B. No. 191—A bill for an act to regulate the payment of wages.

Also, H. B. No. 192—An act appropriating money for the use and benefit of the State University and other State Institutions.

By Bach, H. B. No. 193—An act to amend Section 513 of the Fifth Division of General Laws of the State of Montana, Chapter XXVI.

House Bills Nos. 190 to 193, both inclusive, read first and second times and referred to the Printing Committee.

On motion of A. F. Bray, Davidson was excused until the session of Monday next.

Bray, A. F., moved that when the House adjourn, it do adjourn until 11:30 A. M. Monday.

Carried.

Third reading of bills:

S. B. No. 12 was read a third time and concurred in as amended by the following vote:

Ayes—Annear, Ash, Bach, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, Metzel, Monteath, Scharnikow, Smalley, Tallant, Tierney, Van Cleve, Wahle, Ward, Wilson, Winter, The Speaker—49.

Noes—None.

Title agreed to.

The House resolved itself into Committee of the Whole for the consideration of general orders, Butler in the chair.

11:40 A. M.

House resumed.

The Speaker in the chair.

Butler made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 80, beg leave to report progress, and ask leave to sit again.

BUTLER, Chairman.

The report was adopted and leave granted.

The hour having arrived for the special order, H. B. No. 37, the House resolved itself into a Committee of the Whole, Bach in the chair.

11:50 A. M.

House resumed.

The Speaker in the chair.

Bach made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 37, beg leave to report the same back, recommending it do pass as amended.

BACH, Chairman.

Further amendments to H. B. No. 37:

Amend Section 4, in line 7 of the engrossed bill, by striking out after the word "of" the words "February, March, April and May" and inserting in lieu thereof the words "May and June."

Amend Section 18 by striking out the word "or" after the word "degrees" and insert "Any person, persons or corporation who shall violate any of the provisions of this Section, or upon conviction thereof."

The report was adopted.

H. B. No. 37 was referred to Engrossing Committee.

The following communication was received from the Trans-Mississippi Congress:

Los Angeles, Cal., February 4, 1893.

*Hon. Thos. Matthews, Speaker, and Members of the House of Representatives of the State of Montana:*

Gentlemen—A Congress of the Western States and Territories will meet at Ogden, Utah, on Monday, April 24, of the present year.



It is known as the Trans-Mississippi Congress, and has heretofore met at Galveston, Kansas City, Denver, Omaha and New Orleans.

The territory embraced in the representation of this Congress is all that part of the United States west of the Mississippi River. The basis of representation authorizes the Governor of each State and Territory to appoint ten delegates; the County Judge, Board of Supervisors, or County Commissioners, as the case may be, to appoint one delegate from each county. The Mayor of all towns and cities, one delegate for each 5,000 inhabitants or fractional part thereof. All commercial bodies in all towns and cities may appoint the same number as the Mayor. This last includes Chambers of Commerce, Real Estate Exchanges and all similar commercial bodies. All transportation companies, whether rail or steamship, one delegate each.

The object of this Congress is to discuss all questions affecting the West that may be the subject of legislation at Washington, and to speak through its resolutions to the National Congress.

Hence irrigation, arid land, silver, public lands, the policy of the Secretary of the Interior, Pacific and Gulf coast defenses and harbor improvements, and other important questions vitally affecting the interest of your State, come up in a body composed entirely of Western men.

You are respectfully invited to be present at the next session of the Congress, and as delegates, if selected in the manner above indicated, to take part in its proceedings.

Your attention is called to the importance of united action on the part of the West, concerning many features essential to its prosperity and advancement, and to the advantage of subsequently expressing these same wishes through your legislative bodies.

Respectfully, L. BRADFORD PRINCE, President.

W. H. HARNEY, Chairman Executive Committee.

On motion of Bonner, the report of the Committee of the Whole on H. B. No. 64 was adopted, and H. B. No. 64 was ordered engrossed.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 18, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, President *pro tem.*—3.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Butler, Dudley, Fitschen, Kilgallon, Lockart, Logue, Loring, McDonel, Murphy, Wilson—12.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Leech, Lewis, Lockey, Losee, Metzel, Monteath, Swett, Van Cleve—18.

For Thomas Couch: Annear—1.

For W. H. Hunt: Tierney—1.

The President announced the vote of the Joint Assembly to be as follows:

W. H. Hunt, 1 vote.

W. A. Clark, 18 votes.

W. W. Dixon, 12 votes.

Lee Mantle, 25 votes.

Thos. Couch, 1 vote.

Total votes cast, 57.

There being no choice the President declared no election.

On motion of Senator Cullen, the Joint Assembly was dissolved.

12:05 P. M.

House resumed.

The Speaker in the chair.

Murphy introduced the following resolution:

*Whereas*, On the 12th inst., the British Premier, the Rt. Hon. William Ewart Gladstone, "The Grand Old Man," introduced in the Imperial Parliament his long-looked for Irish Home Rule Bill in an incomparable speech, replete with logical, irrefutable and historical argument, but withal pregnant with unquestioned loyalty to the Empire; and

*Whereas*, The provisions of said Home Rule Bill are so just and prudent as to disarm all enemies and silence every objection, and are well calculated, not only to satisfy all fair-minded Irishmen, but also to promote the best interests of the people of Ireland, and the honor, integrity and well-being of the British Empire; therefore, be it

*Resolved*, That the House of Representatives of the State of Montana, congratulate the nation having at the helm of its affairs "The Grand Old Man," whose wisdom, patriotism and statesmanship challenge our admiration, and we hereby congratulate the Irish people on the near and certain prospects of the realization of their long and fondly cherished hopes, for which their numerous and distinguished patriotic orators and statesmen have so long and so faithfully labored. Be it further

*Resolved*, That a copy of these resolutions be forwarded to the Rt. Hon. William Ewart Gladstone and to Justin McCarthy, M. P., leader of the Irish party.

On motion of Graves, the resolution was referred to the Committee on Towns, Counties and Highways.

On motion of Scharnikow, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 20, 1893.

House met pursuant to adjournment at 11:30 A. M.

The Speaker in the chair.

Roll called and all members present except Annear, Graves, Laurence, Davidson, Wilson.

Prayer by the Chaplain.

Journal of forty-eighth day read and approved.

The following notices of the introduction of bills were given:

By Benson—A bill for an act to amend Chapter XLVIII of the Compiled Statutes of Montana, relating to public printing.

The following reports of committees were received:

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. J. M. No. 4, a memorial for survey of lands.

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 100, an act entitled "An act to appropriate money for the furnishing of the office of the Clerk of the Supreme Court."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign H. J. M. No. 4 and H. B. No. 100, and he signed the same in the presence of the House.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 20, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President announced the following pairs:

McDermott and Swift until to-morrow's session.



Hoffman and Power until their reappearance upon the floor of the House.

The ballot of the Senate was taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch—5.

For W. A. Clark: Buford, Cardwell, Cullen, Steele—4.

For W. W. Dixon: Eggleston, Gibson, The President *pro tem.*—3.

The Speaker announced the following pairs: Winters and Sappington until Wednesday next; Wahle and Laurence until Tuesday next; Fitschen and Graves until their reappearance; Annear and Wilson until Tuesday next.

The ballot of the House resulted as follows:

For W. A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Scharnikow, Truman—15.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Huffman, Jeffers, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve—21.

For T. H. Carter: Coder—1.

For W. H. Hunt: Tierney—1.

The President announced the vote of the Joint Assembly to be as follows:

W. H. Hunt, 1 vote.

W. A. Clark, 19 votes.

W. W. Dixon, 12 votes.

Lee Mantle, 26 votes.

T. H. Carter, 1 vote.

Total votes cast, 59.

There being no choice, the President declared no election.

On motion of Senator Cullen, the Joint Assembly was dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of C. H. Bray, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2 P. M.

The Speaker in the chair.

Quorum present.

The following reports of committees were received:

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit H. B. No. 108, "An act to regulate the receiving and transportation of passengers and freight on railroads in this State;"

H. B. No. 109, "An act to provide for the establishment of a Board of Railroad Commissioners and define their powers and duties."

WILSON, Chairman.

House Bills Nos. 108 and 109 were placed on general file for third reading.

By Bach—*Mr. Speaker*: Your Committee on Judiciary, to whom was referred S. B. No. 5, entitled "An Act to create the Eleventh Judicial District of the State of Montana and to provide for its organization;"

H. B. No. 14, entitled "An act to create the Eleventh Judicial District of the State of Montana and provide for its organization;"

H. B. No. 59, entitled "An act to amend an act entitled 'An Act Concerning Savings Banks and Trust Deposits and Security Associations,' approved March 9, 1887;"

H. B. No. 69, entitled "An act to amend Chapter LIV, Fifth Division, General Laws of the Compiled Statutes of Montana of 1887, in relation to changing County Seats;"

H. B. No. 71, entitled "An act relating to appeals from Boards of County Commissioners and Boards of Equalization;"

H. B. No. 104, entitled "An act to amend Chapter XXII, Fifth Division, Compiled Statutes of Montana, etc.;"

H. B. No. 126, entitled "An act regulating the practice of pharmacy and the sale of medicines and poisons;"

H. B. No. 128, entitled "An act to amend Section 1541, Chapter XCII, Fifth Division, Compiled Statutes;"—

Beg leave to report the same back to your honorable body with the following report and recommendation:

Many of the members of your committee are members of other and important committees and are unable by reason thereof to secure a quorum of this committee to pass upon bills referred to it, and in order that the bills may hold a place upon general orders, we beg leave to recommend that the bills above mentioned be placed upon general orders.

THOS. C. BACH, Chairman.

S. B. No. 5 and House Bills Nos. 14, 59, 69, 71, 104, 126 and 128 were placed on general orders.

By Babcock—*Mr. Speaker*: Your Committee on Appropriations and Claims have examined House Bills Nos. 124, 125, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145 and 146, and respectfully report same back to the House with the recommendation that they do pass.

BABCOCK, Chairman.

House Bills Nos. 124, 125, House Bills Nos. 135<sup>a</sup> to 140, both inclusive, and House Bills Nos. 142 to 146, both inclusive, were placed on general orders.

By Smalley—*Mr. Speaker*: Your Committee on Towns, Counties and Highways, to whom was referred H. R. No. 1, congratulating Ireland upon the position taken by the Rt. Hon. William E. Gladstone with reference to home rule for Ireland, having had the same under consideration, respectfully report said resolution back and recommend that it do pass. Respectfully submitted,

SMALLEY, Chairman.

A. F. Bray moved that the resolution be adopted as originally read.

Bach moved that the further consideration of the resolution or memorial be indefinitely postponed.

Tallant moved that the latter motion be laid on the table, upon which motion the roll was called with the following result:

Ayes—Ash, Babcock, Beecher, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Gorman, Huffman, Kilgallon, Leech, Lewis, Lockhart, Loring, Losee, McDonel, Martin, Metzel, Murphy, Rose, Smalley, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, The Speaker—38.

Noes—Bach, Benson, Burrell, Goodell, Graves, Jeffers, Logue, Monteath—8.

The resolution was adopted by the following vote:

Ayes—Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Leech, Lewis, Lockhart, Loring, Losee, McDonel, Martin, Metzel, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, The Speaker—40.

Noes—Burrell, Graves, Jeffers, Logue, Monteath—5.

The following notices of bills were given:

By Fleming—A bill on apportionment and representation.

By C. H. Bray—A bill for an act to create the office of a State Building Inspector and Supervisor, and to define his duty and power, and to provide for his compensation.

The following reports of committees were received:

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom was referred H. B. No. 166, "An act to provide for the payment of C. J. McSherry for services rendered the State by D. McDevitt;"

H. B. No. 170—"An act to appropriate money to provide for the payment of certain persons for services rendered the State;"

H. B. No. 175—"An act fixing the fees to be charged and collected by the Clerks of the District Court for the use of their respective counties;"

H. B. No. 182—"An act to repeal Section 1078, Fifth Division, General Laws;"

H. B. No. 183—"An act to provide for the transportation of prisoners to the State Prison, and regulating the expenses therefor;"

H. B. No. 184—"An act appropriating money to defray expenses of Montana State Fireman's Association;"

H. B. No. 185—"An act to amend an act to regulate the practice of medicine in the Territory of Montana, and to provide for the examination and issuing of certificates to persons desirous of practicing the same, and for the punishment of persons violating the provisions of this act." Approved February 28, 1889.

Would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

The Speaker announced the following references of bills:

House Bills Nos. 166, 170, 183 and 184 to the Committee on Appropriations and Claims.

House Bills Nos. 175, 182 and 183 to the Committee on Judiciary.



By Van Cleve—*Mr. Speaker*: Your Committee on Engrossment beg leave to report H. B. No. 37, "An act to provide further protection to game, fur-bearing animals, birds and fish," as correctly engrossed.

VAN CLEVE, Chairman *pro tem*.

H. B. No. 37 was placed on file for third reading.

By Smalley—*Mr. Speaker*: Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 188, being "A bill for an act creating the County of Sweet Grass, to define its boundaries, providing for its organization, and to change the boundaries of Park and Yellowstone Counties," having had the same under consideration, respectfully report the same back and recommend that it do pass.

SMALLEY, Chairman.

BONNER.

LEWIS.

BURNS.

VAN CLEVE.

TIERNEY.

LORING.

BABCOCK.

H. B. No. 188 was placed on general orders.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report H. B. No. 51, "An act to prevent the corrupt solicitation of members of the Legislative Assembly and other public officers," as correctly enrolled.

SCHARNIKOW, Chairman.

The Speaker signed H. B. No. 51 in the presence of the House.

The hour having arrived for the special order, H. B. No. 123, the House resolved itself into Committee of the Whole, Beecher in the chair.

3:30 P. M.

House resumed.

The Speaker in the chair.

Beecher made the following report:

*Mr. Speaker*: Your Committee of the Whole, having had under consideration H. B. No. 123, beg leave to report the same back, recommending it do pass.

BEECHER, Chairman.

H. B. No. 123 was referred to Engrossment Committee.

Burns moved that the House request the Senate to recede from its position on H. B. No. 52. Carried.

Report of committee:

By Special Committee, to whom was referred H. B. No. 107—*Mr. Speaker*: Your Special Committee beg leave to report H. B. No. 107, "An act providing for the registration of electors and to prevent fraud at elections," and recommend that it do pass with the following amendments:

Amend Section 1 by striking out all of line 5, printed bill, after the word "voters," and also all of line 6, and substitute the following: "At the same time said Board shall lay out their county into convenient registration districts, to be numbered and known as Registration District No. 1, and so on: *Provided*, No registration district shall comprise any fractional part of a precinct."

Amend Section 1 by striking out the words "but no precinct" in

line 9, printed bill, and substituting the following: "and registration districts, but no precinct or registration district."

Amend Section 2 by striking out the word "June" in line 19 and substitute the word "September."

Amend Section 4 by striking out the word "other" before the word "person" in line 30, printed bill, and insert the word "such."

Amend Section 4 by striking out line 26, printed bill, and substituting as follows: "Section 4. Any persons having a right to vote within a county who failed or were unable to register within the registration district in which they reside, by reason of sickness, detention or otherwise, or by reason of the failure of any registration agent to qualify as herein provided, such voters may."

Amend Section 5 by striking out all after the word "applicant" in line 35 down to and including the word "person" in line 44,

Also, by striking out all after the words "past year" in line 48, and all of lines 49 and 50.

Also amend by striking out all of line 53 after the word "because," and the words "no registry agent" in line 54, and substitute: .....

..... (stating reason) .....

Amend Section 7 by striking out word "twentieth" in line 82, and insert word "thirty-six."

Amend by adding to Section 7 the following:

"*Provided*, That registry agents shall have their offices at the different precincts within their respective registration district, and shall post for at least ten days previous to the commencement of registration, in at least three public places within each voting precinct in said registration district, notices designating the place where, in each precinct, and the time when they will have their offices in such precinct for the purpose of registering voters."

Amend Section 20 by adding after word "year" in line 287, the following: "And mileage at the rate of ten cents per mile for each mile necessarily traveled to and from the respective precincts within their registration district."

Add after words "five dollars," first appearing in line 288, words "and such mileage as aforesaid."

Add after words "per day" in line 289, "and such mileage as aforesaid."

Add after word "year" in line 291, "and the number of miles actually and necessarily traveled in going to and from the precincts within their respective registration districts.

E. SCHARNIKOW,

A. O. ROSE,

N. E. BENSON, Special Committee.

H. B. No. 107 was placed on general orders.

The following bills were introduced (by unanimous consent, without previous notice):

By Committee on Appropriations and Claims, H. B. No. 194—An act appropriating money for the relief of Chas. Z. Pond for services rendered the State of Montana.

By Benson, H. B. No. 195—An act to amend Sections 1613 and 1614, Fifth Division, Compiled Statutes of Montana.

By Lockhart, H. B. No. 196—An act appropriating money to pay for the selecting and locating and the purchase of a site for a State Deaf and Dumb School, and for creating and making proper buildings and improvements thereon.

By Carpenter, H. B. No. 197—An act prescribing the time for commencing actions for the recovery of real property.

Also, H. B. No. 198—An act to determine conflicting claims to real property, and providing for actions concerning real estate.

By Committee on Appropriations and Claims, H. B. No. 199—An act appropriating money for the use and benefit of the School of Mines.

Also, H. B. No. 200—An act appropriating money for the use and benefit of the State Normal School.

Also, H. B. No. 201—An act appropriating money for the use and benefit of the State University.

Also, H. B. No. 202—An act appropriating money for the use and benefit of the State Agricultural College.

The rules were suspended, House Bills Nos. 194 to 202, both inclusive, were read first and second times by title and referred to Printing Committee.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 17, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Governor has approved Senate Bills Nos. 4 and 6.

Bills have been introduced as follows:

S. B. No. 55, for "An act advising the ceding of certain jurisdiction," by McDermott.

S. B. No. 56, "A bill for an act to amend Chapter XXII, Fifth Division, Compiled Statutes of Montana, relating to municipal corporations, and amendments thereto, approved September 18, 1887; also, amendments thereto, approved March 14, 1889," introduced by Cullen.

S. B. No. 57, "A bill for an act to amend Section 1353 of the Fifth Division of the Compiled Statutes of Montana, and regulating the licenses to be collected on toll roads, bridges and water companies."

Very respectfully, DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Governor has signed S. B. No. 3.

Bills were introduced as follows:

By Gibson, S. B. No. 59—A bill for an act concerning licenses.

Also, by consent, without having given previous notice, S. B. No. 60—A bill for an act attaching a portion of Meagher County to the County of Cascade, and changing the boundaries of Meagher and Cascade Counties.

Referring to the communication advising the Senate of the appointment by the House of a committee on the design for a State seal, I am directed to inform your honorable body that the appointment of a joint committee can only be authorized by a concurrent resolution.

S. B. No. 44 was read a third time by title, under a suspension of



the rules, and passed the Senate, and the same is herewith transmitted.

H. B. No. 78, as amended, has been concurred in by the Senate, and the same is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 37 and 36 have passed; H. B. No. 39 as amended, and House Bills Nos. 100, 53 and 51 have been concurred in by the Senate, and they are herewith returned.

H. B. No. 75 was read a third time and the Senate refused to concur in the same, and it is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 46 has passed the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 29 and 52 have passed the Senate, and they are herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

On motion of Tallant, the rules were suspended and Senate Bills Nos. 29, 52, 36, 37, 44 and 46 were read first and second times by title.

House Bills Nos. 39 and 78, with Senate amendments thereto, were placed on general orders.

Lockey moved that the House request the Senate to recede from its position on H. B. No. 75. Carried.

The Speaker announced the following references of bills:

Senate Bills Nos. 29 and 46 to Committee on Towns, Counties and Highways.

S. B. No. 37 to Committee on Appropriations and Claims.

Senate Bills Nos. 36, 52 and 44 to Committee on State Institutions.

On motion of A. F. Bray, the House took a recess until 7:30 P. M.

#### EVENING SESSION.

House resumed at 7:30 P. M.

Quorum present.

In the absence of the Speaker and Speaker *pro tem.*, on motion of Tallant, Kilgallon was chosen Speaker *pro tem.* unanimously.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,

Helena, Montana, February 20, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of claims in the sum of \$453.10, which shows:

(a) The names of persons, companies or corporations to whom the State is indebted;

- (b) The nature of the indebtedness or claim against the State;
- (c) The amount of such indebtedness or claim;
- (d) The amount approved by the Board;
- (e) The total amount;
- (f) The amount disallowed and the reason for disallowing same;
- (g) The reason why the same has not been paid.

Accompanying this statement are bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

The communication and accompanying vouchers were referred to the Committee on Appropriations and Claims.

The House resolved itself into Committee of the Whole for consideration of House Bills Nos. 78 and 39 and Senate amendments thereto, Tallant in the chair.

7:45 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Tallant made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 78 and 39 and the Senate amendments thereto, report the same back, recommending that the amendments be concurred in.

TALLANT, Chairman.

Senate amendments to H. B. No. 78 were concurred in by the following vote:

Ayes—Annear, Ash, Benson, Bonner, C. H. Bray, Burrell, Burns, Butler, Carpenter, Coder, Fitschen, Fleming, Goodell, Graves, Huffman, Kilgallon, Laurence, Lewis, Locky, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Tallant, Tierney, Wahle, Ward, Winter, The Speaker—35.

Noes—None.

Senate amendments to H. B. No. 39 were concurred in by the following vote:

Ayes—Ash, Babcock, Benson, Bonner, C. H. Bray, Burrell, Burns, Butler, Carpenter, Coder, Fitschen, Goodell, Graves, Huffman, Kilgallon, Laurence, Lewis, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Smalley, Tallant, Wahle, Ward, Winter, The Speaker—30.

Noes—Annear, Fleming, Locky, Logue, Losee, Rose, Scharnikow, Tierney—8.

Senate amendments to H. B. No. 39 were concurred in by the following vote:

Ayes—Ash, Babcock, Benson, Bonner, C. H. Bray, Burrell, Burns, Butler, Carpenter, Coder, Fitschen, Goodell, Graves, Huffman, Kilgallon, Laurence, Lewis, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Smalley, Tallant, Wahle, Ward, Winter, The Speaker—30.

Noes—Annear, Fleming, Locky, Logue, Losee, Rose, Scharnikow, Tierney—8.

By unanimous consent of the House, the following bills were introduced without previous notice:

By Committee on Appropriations and Claims, H. B. No. 203—An act to provide for the payment of T. H. Kleinschmidt for interest on moneys advanced for the payment of per diem of members of the First Legislative Assembly of the State of Montana.

Also, H. B. No. 204—An act providing for the payment of the publications of the Board of Pardons.

Also, H. B. No. 205—An act to provide for the payment of bounties on stock-destroying animals.

Also, H. B. No. 206—An act to provide for payment of labor done and supplies furnished to the Legislative Halls of the Third Session of the Legislative Assembly of the State of Montana.

Also, H. B. No. 207—An act to provide for the payment of T. H. Kleinschmidt for moneys advanced for the payment of per diem of members of the First Legislative Assembly.

By C. H. Bray, H. B. No. 208—An act creating the office of State Building Inspector and Supervisor, define his duties and powers and to provide for his compensation.

By Committee on Appropriations and Claims, H. B. No. 209—An act to provide money for services rendered the State.

By Committee on Public Lands, H. B. No. 210—An act to amend Section 2 of "An Act to Provide for the Selection, Location, Appraisal, Selling and Leasing of State Lands," approved March 6, 1891.

On motion of Monteath and by unanimous consent, the rules were suspended and House Bills Nos. 203 to 207, both inclusive, were read first and second times by title and referred to Printing Committee.

On motion of Tallant and by unanimous consent, the rules were suspended and House Bills Nos. 208, 209 and 210 were read first and second times by title and referred to Printing Committee.

The House resolved itself into a Committee of the Whole for consideration of general orders, Lewis in the chair.

8:15 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Lewis made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 80, 17 and H. J. M. No. 5, and report the same back as follow:

They report progress on H. B. No. 80, and ask leave to sit again.

They recommend that H. B. No. 17 and H. J. M. No. 5 do pass.

LEWIS, Chairman.

The report was adopted.

H. B. No. 17 and H. J. M. No. 5 were referred to Engrossing Committee.

Leave granted to sit again on H. B. No. 80.

The House resolved itself into Committee of the Whole for consideration of general orders, Graves in the chair.

9:05 P. M.

House resumed.

Speaker *pro tem.* in the chair.



Graves made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 76, 74 and 12, report the same back as follows:

That H. B. No. 12 do not pass.

That House Bills Nos. 76 and 74 do pass as amended.

GRAVES, Chairman.

Amendment to H. B. No. 74:

On lines 1 and 2, Section 99, strike out the words "second Monday in March, June, September and December" and insert in lieu thereof "second Monday in June and December and first Monday in March and September."

Amendment to H. B. No. 76:

Amend title by adding at the end thereof "of the State of Montana."

The report was adopted.

House Bills Nos. 76 and 74 were referred to the Engrossing Committee.

H. B. No. 12, on motion of Monteath, was indefinitely postponed.

The following reports of committees were received:

By Babcock—*Mr. Speaker:* Your Committee on Appropriations and Claims have examined House Bills Nos. 162, 163, 164, 167, 168, 171, 172, 173 and 5, and respectfully report the same back to the House with the recommendation that they do pass.

BABCOCK, Chairman.

House Bills Nos. 162, 163, 164, 167, 168, 171, 172, 173 and 5 were placed on general orders.

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 53, "An act appropriating money for the purpose of making a display at the World's Fair Exposition."

SCHARNIKOW, Chairman.

On motion of Fleming, H. B. No. 23 was recalled from the Governor and the Chief Clerk instructed to make a clerical correction therein and refer the bill to the Enrolling Committee.

House resolved itself into a Committee of the Whole for the consideration of general orders, Lewis in the chair.

10:15 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Lewis made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 24, Substitute H. B. No. 8 and S. B. No. 23, beg leave to report the same back as follows:

That Substitute H. B. No. 8 do pass as amended.

That S. B. No. 24 do pass.

That S. B. No. 23 be referred to a special committee consisting of Lewis, Benson and Loring, and that it retain its place on the general orders.

LEWIS, Chairman.

Report was adopted.

Amendments to Substitute H. B. No. 8, as reported by Special Committee (see folio 359), was adopted.

Substitute H. B. No. 8, as amended, referred to Engrossing Committee.

S. B. No. 24, placed on file for third reading.

H. B. No. 23 was referred to Special Committee, consisting of Lewis, Benson and Loring.

The Speaker *pro tem.* signed H. B. No. 53 in the presence of the House.

The following report of committee was received:

*Mr. Speaker:* Your Committee on State Institutions, to whom was referred S. B. No. 44, beg to report that they have examined the same and would recommend to the House that it do pass and take the place on general orders now occupied by H. B. No. 49.

BABCOCK, Chairman.

CODER.

ROSE.

ASH.

MARTIN.

BEECHER.

The report was adopted.

S. B. No. 44 was placed on general orders in place of H. B. No. 49. On motion of Wahle, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FIFTY-FIRST DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 21, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members present except Coder.

Prayer by the Chaplain.

On motion of Tallant, the reading of the Journal of the preceding day was dispensed with.

A petition was received from the Women's Protective Union of Butte City, praying for the enactment of laws providing for the appointment of matrons or female custodians or supervisors over female prisoners at police stations, prisons, etc. Read and referred to the Judiciary Committee.

The following notice of the introduction of a bill was given:

By Lockhart—A bill for an act to establish Boards of Police Commissioners in certain cities.

The following reports of committees were received:

By Logue—*Mr. Speaker:* Your Committee on Public Lands, having under consideration House Bills Nos. 122 and 160, beg leave to report the same back without recommendation.

LOGUE, Chairman.

House Bills Nos. 122 and 160, placed on general orders.

By Babcock—*Mr. Speaker*: Your Committee on Appropriations and Claims, to whom was referred H. B. No. 165, have examined the same, and respectfully report it back to the House, with recommendation that the items therein contained be reduced in the amounts hereinbelow stated, to-wit:

Independent Publishing Co.....\$160.00

And Fisk Brothers..... 160.00

These amounts have been charged for furnishing the Third Legislative Assembly of the State of Montana with newspapers, and your Committee cannot ascertain that the papers have been ordered by any person having authority to do so. BABCOCK, Chairman.

H. B. No. 165 was placed on general orders.

By Bonner—*Mr. Speaker*: Your Committee on Mines and Mining have carefully considered H. B. No. 169, entitled "An act concerning the location of Mining Claims, the record thereof and the work thereon;" we respectfully recommend that the words "April 1st, 1893," in Section 12, be stricken out, and the words "January 1st, 1894," be inserted in lieu thereof, and that, as so amended, the bill do pass. BONNER, Chairman *pro tem*.

H. B. No. 169 was placed on general orders.

By Tallant—*Mr. Speaker*: Your Committee on Railroads and Transportation, having had under consideration S. B. No. 34, being "An act to require Railroad Corporations when they fence their right of way, or where they have already fenced it, to leave or make certain openings therein, and to provide a penalty for the violation thereof," beg leave to report that they have considered said bill, and recommend that the bill do pass. TALLANT, Chairman.

S. B. No. 34, placed on general orders.

By Beecher—*Mr. Speaker*: Your Committee on Privileges and Elections, having under consideration H. B. No. 127, entitled "An act to prevent corrupt practices in elections and to provide for publicity of election expenses;" we refer the same back recommending that it do pass. BEECHER, Chairman.

H. B. No. 127 was placed on general orders.

By Smalley—*Mr. Speaker*: Your Committee on Towns, Counties and Highways, beg leave to report that they have had under consideration S. B. No. 46, entitled "A bill for an act to amend Sections 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023 of Chapter CXIX of the Fifth Division of the Compiled Statutes of Montana, concerning Towns, Village Sites and Plats," and recommend that this House do concur in the same.

SMALLEY, Chairman.

BONNER.

WAHLE.

LORING.

TIERNEY.

LEWIS.

S. B. No. 46 was placed on general orders.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom was referred H. B. No. 181, entitled "An act to amend



Sections 201 and 202 of an act, entitled 'An act concerning Revenue,' approved March 6, 1891." Would respectfully report the same as having been correctly printed. WALKUP, Chairman.

H. B. No. 181 was referred to Judiciary Committee.

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit the following bills correctly engrossed:

H. B. No. 123—An act to create a School for the Deaf and Dumb, and providing for the location thereof, and also providing for the education and maintenance of the blind therein.

H. B. No. 17—An act to legalize certain funding bonds issued by Counties in Montana.

H. B. No. 76—An act to amend Section 1908 of the Fifth Division of the Compiled Statutes of the State of Montana.

H. B. No. 64—An act to create the County of Broadwater, to define its boundaries, and to provide for its organization and government.

H. J. M. No. 5—To the honorable, the Senate and House of Representatives of the United States, in Congress assembled.

WILSON, Chairman.

House Bills Nos. 123, 17, 76 and 64, and H. J. M. No. 5 were placed on file for a third reading.

By Bach—*Mr. Speaker*: Your Committee on Judiciary, to whom was referred H. B. No. 99, entitled "An act concerning Building and Loan Associations;" H. B. No. 151, entitled "An act to add another Section to Chapter LI, Revised Statutes of Montana, which shall be known as Section 931, relating to Constables;" H. B. No. 152, entitled "An act to amend Section 473, Second Division, Compiled Statutes of Montana, relating to Legacies;" H. B. No. 154, entitled "A bill for an act to amend Chapter I of the Probate Practice Act, Second Division, Laws of Montana;" H. B. No. 155, entitled "An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana;" H. B. No. 157, entitled "An act to regulate Criminal Proceedings;" H. B. No. 158, entitled "An act to authorize County Attorneys to issue subpoenas and compel the attendance of witnesses in certain cases;" H. B. No. 159, entitled "An act to amend Sections 550 and 551 of the Fifth Division of the Compiled Statutes of Montana, relative to the election of Trustees of Savings Banks or Savings Associations;" H. B. No. 178, entitled "An act to amend Section 1448 of the Fifth Division of the Compiled Statutes of Montana;" H. B. No. 179, entitled "An act to amend Section 498, Chapter 8, First Division Compiled Statutes of Montana;" H. B. No. 180, entitled "An act to amend Section 6, Chapter I, Third Division, Compiled Statutes of Montana;" beg leave to report the same back to your honorable body with the recommendation that they be placed upon general orders for the same reasons assigned in the last report of your committee.

THOS. C. BACH, Chairman.

House Bills Nos. 99, 151, 152, 154, 155, 157, 158, 159, 178, 179 and 180 were placed on general orders.

Scharnikow moved that when the House adjourn it do adjourn until 10:00 A. M. Thursday. Carried.

On motion of Monteath, the general orders were made a special order for 7:30 P. M. this evening.

Bray, A. F., moved that the third reading of House Bills be not entertained at this evening's session. Carried.

Fleming offered the following resolution:

*Resolved*, That the Speaker appoint a committee of five to act as a Steering Committee, to be selected one each from the eastern, western, northern, southern and central portions of the State, and who shall take all bills now on general orders, and those hereafter placed thereon, to rearrange them for consideration by the Committee of the Whole, and that precedence be given to such bills in the order such Steering Committee may report: *Provided*, That any bill so reported shall lose its precedence on motion, carried by a majority vote, and shall not be again reported for two days thereafter.

The roll was called upon its passage, and the resolution was lost by the following vote, it requiring a two-thirds vote:

Ayes—Beecher, Benson, Bray, A. F., Bray, C. H., Burns, Butler, Fleming, Huffman, Kilgallon, Lewis, Lockhart, McDonel, McKay, Rose, Scharnikow, Swett, Tallant, Tierney, Van Cleve, Wahle, Winter, The Speaker—22.

Noes—Annear, Ash, Bonner, Burrell, Carpenter, Fitzgerald, Goodell, Gorman, Jeffers, Laurence, Leech, Logue, Loring, Metzel, Monteath, Sappington, Truman, Ward—18.

Leech introduced H. J. M. No. 10, Concerning Sectarian Appropriations for Indian Education. Read first and second times and referred to Printing Committee.

H. B. No. 95 was read a third time, and on motion of A. F. Bray, its final passage was postponed until 12:10 P. M.

On motion of Monteath, H. B. No. 183 was recalled from Committee on Appropriations and Claims and referred to Judiciary Committee.

Third reading of bills.

H. B. No. 108 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Bonner, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Sappington, Scharnikow, Smalley, Swett, Tallant, Van Cleve, Ward, Winter, The Speaker—37.

Noes—Benson, Burrell, Fleming, Jeffers, Leech, Lockey, Rose, Truman, Walkup—9.

Title agreed to.

H. H. No. 109 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Bonner, Bray, A. F., Bray, C. H., Burns, Butler, Dudley, Fitschen, Fitzgerald, Goodell, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, McDonel, McKay, Martin, Monteath, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Van Cleve, Wilson, Winter—32.



Noes—Ash, Benson, Burrell, Burke, Carpenter, Fleming, Huffman, Jeffers, Leech, Lockey, Metzel, Murphy, Rose, Truman, The Speaker—15.

Title agreed to.

H. B. No. 37 was read a third time and passed by the following vote:

Ayes—Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, McKay, Metzel, Monteath, Murphy, Scharnikow, Swett, Tallant, Tierney, Van Cleve, Wahle, Wilson, Winter—40.

Noes—Annear, Butler, Laurence, Martin, Rose, Sappington, Truman, Ward, Walkup, The Speaker—10.

Title agreed to.

S. B. No. 24 was read a third time and concurred in by the following vote:

Ayes—Annear, Ash, Beecher, Benson, Bonner, Bray, A. F., Bray, C. H., Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—45.

Noes—Huffman—1.

Title agreed to.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 21, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Hatch, Power, Goddard, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, President *pro tem*—3.

The Speaker announced that Coder and Ward were paired until the reappearance of both on the floor of the House.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel,



Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Bray, A. F., Burke, Fitzgerald, Gorman, Smalley, Walkup, The Speaker—8.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For Thomas Couch: Annear—1.

For W. H. Hunt: Tierney—1.

The President announced the vote of the Joint Assembly to be as follows:

W. H. Hunt, 1 vote.

W. A. Clark, 25 votes.

W. W. Dixon, 11 votes.

Lee Mantle, 31 votes.

Thomas Couch, 1 vote.

Total votes cast, 69.

There being no choice the President declared no election.

On motion of C. H. Bray, the Joint Assembly decided to meet to-morrow at 12 M. and cast a vote for United States Senator.

On motion of Senator Steele, the Joint Assembly was dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

Special orders:

H. B. No. 95 was placed upon its final passage, and failed to pass by the following vote:

Ayes—Annear, Bach, Bonner, Bray, A. F., Bray, C. H., Burke, Butler, Carpenter, Davidson, Dudley, Fitschen, Fitzgerald, Gorman, Graves, Kilgallon, Laurence, Logue, Loring, Losee, McDonel, Monteath, Murphy, Scharnikow, Smalley, Swett, Tierney, Van Cleve, Ward, Walkup, The Speaker—30.

Noes—Ash, Beecher, Benson, Burrell, Burns, Fleming, Goodell, Huffman, Jeffers, Leech, Lewis, Lockey, Lockhart, McKay, Martin, Metzel, Rose, Sappington, Tallant, Truman, Wahle, Winter—22.

It requiring a two-thirds majority, the bill was lost.

On motion of Bonner, H. B. No. 64 was called up for third reading.

The rules were suspended and bill was read a third time by title.

On motion of A. F. Bray, Coder was excused until the session of to-morrow.

On motion of Winter, seconded by ten members rising to their feet, a call of the House was ordered.

On motion of A. F. Bray, further proceedings under the call were dispensed with, and H. B. No. 64 was made a special order for 2:30 P. M.

On motion of Scharnikow, the House took a recess until 2:00 P. M.

#### AFTERNOON SESSION.

House resumed at 2:00 P. M.

The Speaker in the chair.

Quorum present.

Scharnikow moved to reconsider the vote by which the House agreed to adjourn to-night until 10:00 A. M. on Thursday. Carried.

The hour having arrived for the special order—H. B. No. 107—the House resolved itself into a Committee of the Whole, Bray, C. H., in the chair.

2:30 P. M.

House resumed.

The Speaker in the chair.

Bray, C. H., made the following report:

*Mr. Speaker:* You Committee of the Whole, having had under consideration H. B. No. 107, beg leave to report progress and ask leave to sit again. C. H. BRAY, Chairman.

Report adopted and leave granted.

H. B. No. 64 was placed on its final passage and passed by the following vote:

Ayes—Annear, Bach, Benson, Bonner, Bray, A. F., Burrell, Burns, Carpenter, Dudley, Fitzgerald, Goodell, Gorman, Huffman, Leech, Lewis, Loring, McDonel, Monteath, Murphy, Smalley, Tallant, Tierney, Van Cleve, Ward, Walkup—25.

Noes—Ash, Babcock, Bray, C. H., Butler, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Lockey, Lockhart, Losee, McKay, Martin, Metzel, Sappington, Scharnikow, Truman, Wahle, Wilson, Winter, The Speaker—22.

Title agreed to.

A petition was received from R. G. Davies and others, praying for the passage of S. B. No. 23. Read and referred to Committee on State Institutions.

The following bills were introduced:

By Ash, H. B. No. 211—An act to establish and define the boundary line between Park and Yellowstone Counties.

By C. H. Bray, by unanimous consent without previous notice, H. B. No. 212—An act regulating the sale of street railroad tickets.

On motion of Tallant, the rules were suspended and House Bills Nos. 211 and 212 were read first and second times by title and referred to Printing Committee.

The following reports of committees were received:

By Annear—*Mr. Speaker:* Your Committee on Affairs of Cities, to whom was committed H. B. No. 149, entitled "An act to prohibit selling, giving or furnishing tobacco in any of its forms to certain minors, and providing a penalty therefor," having carefully considered the same, do respectfully recommend that the bill do pass.

JOSEPH ANNEAR, Chairman.

Also, *Mr. Speaker:* Your Committee on Affairs of Cities, to whom was committed H. B. No. 133, entitled "An act limiting the jurisdiction of Police Magistrates of certain cities," having carefully considered the same, respectfully recommend that the bill do pass.

JOSEPH ANNEAR, Chairman.

House Bills Nos. 133 and 149, placed on general orders.

By Losee, *Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day at 11:15 A. M., delivered to

Gov. J. E. Rickards for his approval House Bills Nos. 51 and 100, and Substitute H. B. No. 53 and H. J. M. No. 4.

J. B. LOSEE, Chairman *pro tem*.

A. F. Bray offered the following resolution:

*Resolved by the House of Representatives, the Senate concurring,* That a Joint Committee of three on the part of the House, and two on the part of the Senate, be appointed by their respective bodies to choose a design for the Great Seal of the State of Montana. Adopted.

The Speaker appointed as such committee on the part of the House A. F. Bray, Murphy and Losee.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 20, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Buford gave notice of "A bill to amend Section 7 of an act concerning compensation of County, District and Township Officers."

Goddard, by unanimous consent, without giving previous notice, introduced S. B. No. 61—"A bill for an act placing the books, papers and other property of the Historical Society of the State of Montana under control of the State and providing for the appointment of trustees to manage the same."

McDermott introduced S. B. No. 62—"A bill for an act to enable counties and incorporated cities to make contracts for the abatement of injurious and unhealthy smoke and fumes, and to issue bonds and dispose of the same for that purpose."

The Senate refuses to concur to the amendments made by the House to H. B. No. 12, and respectfully asks the House to recede. The bill and amendments are herewith returned.

The further consideration of House Bills Nos. 66 and 72, and S. B. No. 57 has been indefinitely postponed by the Senate.

S. B. No. 45 has passed the Senate and the same is herewith transmitted.

House Bills 102 and 73 as amended, 92 and 62 have been concurred in by the Senate, and they are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

Also—

Helena, Montana, February 21, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Buford introduced S. B. No. 63—A bill for an act to amend an act, entitled "An act concerning compensation of County, District and Township Officers," approved March 6, 1891.

House Bills Nos. 79 and 83 have been concurred in by the Senate and they are herewith transmitted.

S. B. No. 35 has passed the Senate and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

H. B. No. 73, with Senate amendments thereto, was placed on general orders.

On motion of Scharnikow, by unanimous consent, the rules were suspended and Senate Bills Nos. 35 and 45 were read first and second times by title.



S. B. No. 35 was referred to Committee on Affairs of Cities.

S. B. No. 45 was referred to Committee on Judiciary.

House Bills Nos. 62, 79, 83, 92 and 102, referred to Enrollment Committee.

On motion of Monteath, the House refused to recede from its position on S. B. No. 12.

Third reading of bills:

H. J. M. No. 5 was read a third time and passed by the following vote:

Ayes—Annear, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Tallant, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 76 was read a third time and passed by the following vote:

Ayes—Annear, Babcock, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burke, Butler, Dudley, Fitschen, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Logue, Loring, McDonel, Monteath, Murphy, Scharnikow, Smalley, Van Cleve, Wilson—30.

Noes—Carpenter, Lockhart, McKay, Metzel, Rose, Sappington, Wahle, Ward, Winter—9.

Title agreed to.

H. B. No. 17 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Benson, Bonner, Bray, A. F., Bray C. H., Burrell, Burns, Burke, Carpenter, Dudley, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Winter—40.

Noes—None.

Title agreed to.

H. B. No. 123 was read a third time and passed by the following vote:

Ayes—Ash, Babcock, Bach, Benson, Bonner, Bray, A. F., Bray, C. H., Burrell, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Tierney, Truman, Van Cleve, Wahle, Ward, Winter—42.

Noes—Annear, Laurence, Wilson—3.

Title agreed to.

Wilson made the following report:

*Mr. Speaker.* Your Committee on Engrossment respectfully submit H. B. No. 8, "An act to locate the State Prisons of Montana,

and to provide for the erection and repairs of prison buildings, and to appropriate money therefor.”

H. B. No. 74—An act to amend Sections 96, 100, 101, 102, 105, 107 and 121 of an act, entitled “An act Concerning Revenue,” approved March 6, 1891, as correctly engrossed.

WILSON, Chairman.

Report was received.

House Bills Nos. 8 and 74 were placed on file for third reading.

H. B. No. 74 was read a third time, and on motion of Benson, was referred to Committee on Engrossment for correction.

Monteath moved that a committee of three be appointed to ascertain the cause of so many mistakes in the engrossment of bills. Carried.

The Speaker appointed Monteath, Tallant and Scharnikow as such committee.

On motion of Fleming, by unanimous consent, the rules were suspended and H. B. No. 8 was read a third time by title and passed by the following vote:

Ayes—Annear, Babcock, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fleming, Goodell, Gorman, Huffman, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Truman, Van Cleve, Wahle, Ward, Winter—36.

Noes—Ash, Benson, Jeffers, Laurence, Metzel, Tierney—6.

Title agreed to.

House resolved itself into a Committee of the Whole for consideration of general orders, C. H. Bray in the chair.

4:25 P. M.

House resumed.

The Speaker in the chair.

C. H. Bray made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 67 and 81; also, amendments of the Senate to H. B. No. 73, beg leave to report the same back as follows:

That Senate amendments to H. B. No. 73 be concurred in.

That House Bills Nos. 67 and 81 do pass as amended.

C. H. BRAY, Chairman.

Amendments to H. B. No. 67, as recommended: In Section 1, lines 2, 3 and 4, strike out the word “county.”

Amendments to H. B. No. 81, as recommended—add after the word “same,” in line 20, the following: “All fines collected and all moneys recovered by virtue of this Section, must be paid into the school fund of the State.”

Report was adopted.

House Bill Nos. 67 and 81, as amended, were referred to the Engrossing Committee.

Senate amendments to H. B. No. 73 were concurred in by the following vote:

Ayes—Ash, Babcock, Bonner, Bray, A. F., Bray, C. H., Burrell, Burns, Burke, Dudley, Fitschen, Fleming, Goodell, Gorman, Graves,

Huffman, Jeffers, Kilgallon, Lewis, Lockey, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—39.

Noes—Scharnikow, Swett—2.

The House resolved itself into a Committee of the Whole for consideration of general orders, Burke in the chair.

5:20 P. M.

House resumed.

The Speaker in the chair.

Burke made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bills Nos. 44 and 1, and H. B. No. 96, beg leave to report:

That S. B. No. 44 be concurred in;

That H. B. No. 96 do pass;

They report progress on S. B. No. 1 and ask leave to sit again.

BURKE, Chairman.

Report was adopted.

H. B. No. 96 was referred to Committee on Engrossment.

S. B. No. 44 was placed on file for third reading.

Leave was granted to sit again on S. B. No. 1.

Reports of Committees.

Babcock made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims have examined H. B. No. 141 and respectfully report the same back to the House with recommendation that it do pass.

BABCOCK, Chairman.

H. B. No. 141 was placed on general orders.

Scharnikow made the following report:

*Mr. Speaker:* Your Committee on Enrollment, to whom was referred H. B. No. 23, "An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana," beg leave to report the same as correctly enrolled;

Also, H. B. No. 78, "An act appropriating money for the payment of services rendered by the State Board of Arbitration," as correctly enrolled.

SCHARNIKOW, Chairman.

The Speaker signed House Bills Nos. 23 and 78 in the presence of the House.

On motion of A. F. Bray, the House took a recess until 7:30 P. M.

#### EVENING SESSION.

House resumed at 7:30 P. M.

The Speaker in the chair.

Quorum present.

Scharnikow moved that when the House do adjourn it adjourn until 11:45 A. M. to-morrow. Carried.

The hour having arrived for the special order, the House resolved itself into a Committee of the Whole for consideration of general orders, Swett in the chair.



9:30 P. M.

House resumed.

The Speaker in the chair.

Swett made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 80, S. B. No. 1 and H. B. No. 77, beg leave to report:

That H. B. No. 80 do pass with following amendments;

That S. B. No. 1 be concurred in;

That H. B. No. 77 do pass.

SWETT, Chairman.

Amendments to H. B. No. 80 as recommended:

Amend title by inserting figures "14" after figures "12."

Amend Section 1 by striking out the words "against the mortgagee" after the word "credit" in line 9, and placing said words "against the mortgaged" after the word "situated" in same line.

Amend Section 1 by adding "the Assessor must set aside one line in the assessment book for the description of each six hundred and forty acres of land or less—the number of acres to be entered in one column, the description in another column, the value of improvements in another column, and the total in the total column. He must also set aside a line in the assessment book for the description of each town or city lot—the description to be entered in one column, the value in another column on the same line, the value of improvements in another column and the total in the total columns: *Provided*, That all of the unimproved lots of the same value, situate in any one block, and belonging to the same party, may be described and assessed in one line in the manner above provided for in each lot. It is the intention hereby that each parcel and lot shall show in its own line, and opposite the description thereof, the separate value of the same, and the value of the improvements thereon."

Amend Section 2 by striking out the word "brief" in line 19 and insert in lieu thereof the word "definite."

Section 3. That Section 14 of said act be and the same is amended to read as follows:

"Section 14. He must require from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at 12 o'clock M. on the first Monday in March. Such statement must be in writing, showing separately:

"First—All property belonging to, claimed by, pledged or pawned to, or in the possession, or under the control or management of such person.

"Second—All property belonging to, claimed by, or in the possession, or under the control or management of any firm of which such person is a member.

"Third—All property belonging to, claimed by, or in the possession, or under the control or management of any corporation of which such person is president, secretary, cashier or managing agent.

"Fourth—The county in which said property is situated, or in which it is liable for taxation, and (if liable to taxation in the county in which

the statement is made), also the city, town, school district, road district or other revenue district in which it is situated.

“Fifth—An exact description of all lands in parcels or subdivisions, not exceeding six hundred and forty acres each, and the sections and fractional sections of all tracts of lands containing more than six hundred and forty acres which have been sectionized by the United States government, improvements and personal property, including all vessels, steamers and other water crafts, and all taxable State, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the place in which they may be found; all money secured by mortgage on real or personal property, situated in the county in which the statement is made.

“Sixth—All solvent credits unsecured by a deed of trust, mortgage or other lien, on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier or managing agent, deducting from the sum total of such credits only such debts unsecured by trust deed, mortgage or other lien on real or other property, as may be owned by such person, firm or corporation. No debt is to be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate. In case of banks, the statement is not required to show the debt in detail, or to whom it is owing, but the assessor has the privilege of examining the books of such banks to verify said statement.

“Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included.

“Seventh—All depots, shops, station grounds, buildings and other structures erected on the space covered by the right of way, and all other property owned by any person, corporation or association of persons owning or operating any railroad within the county.

“The fact that such statement is not required, or that a person has not made such statement under oath, or otherwise does not relieve any property from taxation.”

Report was adopted.

H. B. No. 80, as amended, and H. B. No. 77 were referred to the Engrossing Committee.

S. B. No. 1 was placed on file for third reading.

On motion of Tallant, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 22, 1893.

House met pursuant to adjournment at 11:45 A. M.

The Speaker in the chair.

Roll called and all the members present except Bach, Burrell, Coder, Goodell, Lockhart, Van Cleve and Ward.

Prayer by the Chaplain.

Reading of the Journal of the preceding day was commenced and suspended.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT ASSEMBLY.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 22, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced the following pairs in the House: Ward and Coder, until the reappearance of both on the floor; McKay and Lockhart until the reappearance of both on the floor; Goodell and Davidson until the session of Thursday next; Scharnikow and Van Cleve until the session of Thursday next; Bach and Burrell until the session of Thursday next.

The ballot of the House resulted as follows:

For Lee Mantle: Babcock, Benson, C. H. Bray, Burns, Carpenter, Fleming, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, Metzel, Monteath, Rose, Swett, Tallant, Winter—20.

For William A. Clark: Ash, Beecher, Butler, Dudley, Fitschen, Kilgallon, Loring, McDonel, Martin, Murphy, Sappington, Truman, Wahle, Wilson—15.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Walkup, The Speaker—8.

For Thomas Couch: Annear—1.

For W. H. Hunt: Tierney—1.

The President announced the vote of the joint session to be as follows:



For Lee Mantle, 27 votes.

For W. A. Clark, 21 votes.

For W. W. Dixon, 11 votes.

For Thomas Couch, 1 vote.

For W. H. Hunt, 1 vote.

Total vote cast, 61.

There being no choice the President declared no election.

On motion of Senator Cullen, the Joint Assembly dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Tallant, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FIFTY-THIRD DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 23, 1893.

House met pursuant to adjournment at 10:00 A. M.

The Speaker in the chair.

Roll called and all members present except Coder and Ward.

Prayer by Rev. J. Wesley Hill.

Journal of February 20, 21 and 22 were read and approved.

Petitions asking submission to the people of a Constitutional Amendment providing for direct legislation by the people were received from twenty-nine citizens of Jefferson County; from two citizens of Gallatin County; from thirty-eight citizens of Silver Bow County and forty-seven citizens of Lewis and Clarke County.

Petitions were read and referred to Committee on Judiciary.

Swett gave notice of a bill providing for the care and treatment of persons convicted of drunkenness by having them treated by the Keeley Liquor Cure in lieu of commitment to jail.

Reports of committees:

Tallant, Chairman of Committee on Railroads and Transportation, made the following reports:

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred S. B. No. 19, being a bill for "An act relating to certain contracts for the conditional sale, lease or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof," having had the same under consideration, respectfully report said bill back and recommend that it do pass with the following amendments:

Add to Section 3 the following: "Nor shall it interfere with the provisions of Chapter XXXVI of the Fifth Division of the Compiled Statutes of this State, so far as to impair any mortgage on rolling

stock or equipment of any railroad therein provided for, or repeal the provisions therein contained providing for the making of such mortgages." Respectfully submitted, TALLANT, Chairman.

Also—

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred S. B. No. 40, being a bill for "An act to regulate the sale and redemption of transportation ticets (tickets?) of common carriers," having had the same under consideration, submit herewith the following report:

Upon the reference of said bill your committee gave notice to all parties desiring to show cause why said bill should or should not be reported favorably to appear before your committee and present their respective arguments. At the time set for hearing such arguments, Hon. Wm. Wallace, Jr., appeared on behalf of the American Ticket Brokers' Association and presented points and authorities upon the question as to whether or not S. B. No. 40, if passed, would be repugnant to the State and Federal Constitutions, urging that the courts would not sustain the law if passed, and fortifying his position with decisions more or less in point. Hon. Robert B. Smith and Sidney H. McIntire appeared on behalf of the parties desiring the passage of the bill and also presented points and authorities *contra*, more or less in point. Mr. McKenzie then closed the arguments on behalf of the Ticket Brokers' Association.

Each of the respective parties introduced considerable documentary evidence consisting of so-called "scalped tickets," exchange checks, tariff sheets, bulletins, schedules, rules and regulations of railroad companies, ticket brokers' rules and regulations and Inter-State Commerce reports.

From the evidence so introduced, and from the able arguments of counsel for and against the measure, your committee upon grounds of public morals and the welfare of the community, feel constrained to recommend the passage of the bill in its present form, in view of the near approach of the close of the present session and the delay incident to the proposal and adoption of amendments.

Did time afford the opportunity, your committee would urge some amendments, as we cannot but admit that the bill is loosely drawn, and in its present form is of doubtful constitutionality, is experimental and to some extent special in its nature.

However, your committee is of the opinion that the public welfare demands legislation of this nature, and we feel that this bill if enacted into law can safely be trusted to the wisdom of future legislatures to amend or repeal as exigencies, conditions or the decisions of judicial tribunals require. Respectfully submitted, TALLANT, Chairman.

Senate Bills Nos. 40 and 19 were placed on general orders.

The following reports of committees were received and read:

By Smalley—*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred S. B. No. 29, being a bill for "An act providing for the transcribing of county records of

segregated counties," having had the same under consideration, respectfully report said bill back, and recommend that it do pass.

Respectfully submitted,

SMALLEY, Chairman.

LORING.

LEWIS.

BONNER.

VAN CLEVE.

BABCOCK.

BURNS.

TIERNEY.

WAHLE.

S. B. No. 29 was placed on general orders.

By Wilson—*Mr. Speaker*: Your Committee on Engrossment respectfully submit the following engrossed bills:

H. B. No. 77, "An act appropriating money for the payment of statistics furnished by the State by County Assessors for the years 1890, 1891 and 1892;"

H. B. No. 96, "An act entitled 'An act to amend Section 302, Third Division of the Compiled Statutes of Montana, relating to trials of persons jointly indicted or informed against for criminal offenses;'"

H. B. No. 81, "An act to protect State property;"

H. B. No. 67, "An act fixing the qualifications of electors upon questions authorizing the raising of money;"

H. B. No. 74, an act entitled "An act to amend Sections 96, 99, 100, 101, 102, 105, 107 and 121 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891;"

H. B. No. 80, "An act to amend Sections 12, 14 and 97 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891."

WILSON, Chairman.

House Bills Nos. 77, 96, 81, 67, 74 and 80 were placed on file for third reading.

By Tierney—*Mr. Speaker*: Your Committee on Incorporations and Manufactures, to whom were referred H. B. No. 113, being a bill for "An act to regulate corporations engaged in the business of guaranteeing or acting as security for the fidelity of persons in public and private offices, employments or positions and the agents of such corporations, and prescribing penalties for failure to comply with the provisions thereof;" H. B. No. 120, for "An act to prescribe the conditions upon which foreign corporations may do business in this State," and S. B. No. 39, for "An act authorizing corporations to change their corporate names," having had each of the same under consideration, respectfully report said bills back and recommend that they do pass. Respectfully submitted, W. E. TIERNEY, Chairman.

House Bills Nos. 113 and 120 and S. B. No. 39 were placed on general orders.

By Losee—*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this 23d day of February, 1893, at 11:00 o'clock A. M., delivered to Gov. J. E. Rickards for his approval H. B. No. 23 and H. B. No. 78.

J. B. LOSEE, Chairman *pro tem*.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment



beg leave to report as correctly enrolled H. B. No. 83, "An act appropriating certain moneys for the payment of sundry expenses of Code Commission;"

Also, H. B. No. 92, "An act concerning the duties of School Trustees."

Also, H. B. No. 102, "An act to authorize the amendment of certificates of incorporation of railroad corporations."

SCHARNIKOW, Chairman.

The Speaker signed House Bills Nos. 102, 92 and 83 in the presence of the House.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom was referred H. B. No. 161, entitled "An act providing for the Great Seal of the State and describing the same;"

H. B. No. 186, entitled "An act to amend Section 1907, Fifth Division, Compiled Statutes, concerning apportionment of school moneys;"

H. B. No. 187, entitled "An act amending Section 1925 and Section 1926, Fifth Division of the Compiled Statutes of Montana;"

H. B. No. 189, entitled a bill for "An act to amend Section 75, Fourth Division, Compiled Statutes of Montana;"

H. B. No. 194, entitled "An act appropriating money for the relief of Chas. Z. Pond for services rendered the State of Montana;"

H. B. No. 203, entitled "An act to provide for the payment of T. H. Kleinschmidt for interest on moneys advanced for the payment of per diem of members of the First Legislative Assembly of the State of Montana;"

H. B. No. 190, entitled "An act to amend an act entitled 'An act concerning the compensation of County, District and Township Officers;'"

H. B. No. 191, entitled "An act to regulate the payment of wages;"

H. B. No. 192, entitled "An act appropriating money for the use of the State University and other State Institutions;"

H. B. No. 195, entitled "An act to amend Sections 1613 and 1614, Fifth Division, General Laws, Compiled Statutes of Montana;"

H. B. No. 193, entitled "An act to amend Section 503 of the Fifth Division, General Laws of the State of Montana;"

H. B. No. 196, entitled "An act appropriating money to pay for selecting and locating and the purchase of a site for the State Deaf and Dumb School, and for erecting and making proper buildings and improvements thereon;"

H. B. No. 199, entitled "An act appropriating money for the use and benefit of the School of Mines;"

H. J. M. No. 8, relating to railroads;

H. B. No. 174, entitled "An act to prevent debtors from giving preferences to creditors and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors;"

H. B. No. 200, entitled "An act appropriating money for the use and benefit of the State Normal School;"

H. B. No. 177, "An act providing for the creation of the office of Game and Fish Commissioner;"

H. B. No. 201, entitled "An act appropriating money for the use and benefit of the State University;"

H. B. No. 202, entitled "An act appropriating money for the use and benefit of the State Agricultural College;"

H. B. No. 204, entitled "An act to appropriate money for the payment of the publication of notices of pardon;"

H. B. No. 206, entitled "An act to provide for labor done and supplies furnished to the Legislative Halls of the Third Session of the Legislative Assembly of the State of Montana;"

H. B. No. 205, entitled "An act to provide for the payment of bounties on stock-destroying animals;"

H. B. No. 210, entitled "An act to amend Section 2 of an act entitled 'An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands,' approved March 6, 1891;"

House Joint Memorial to Congress concerning sectarian appropriations for Indian Education;

H. B. No. 197, entitled "An act prescribing the time for commencing actions for the recovery of real estate;"

H. B. No. 198, entitled "An act to determine conflicting claims to real property and providing for actions concerning real estate;"

Report the same correctly printed. WALKUP, Chairman.

Monteath, Chairman of the Special Committee appointed to investigate the cause of errors in engrossed bills, made a report which, on motion of Scharnikow, was referred to the Special Committee for further consideration.

Bach moved that a committee of five be appointed by the Chair whose duty it shall be to rearrange the calendar of general orders.

Laurence moved to lay Bach's motion on the table, which was lost by the following vote:

Ayes—Annear, Ash, C. H. Bray, Butler, Carpenter, Dudley, Laurence, Leech, Lockey, Lockhart, Logue, Loring, Metzel, Swett, Truman, Wahle, Winter—17.

Noes—Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Fitschen, Fitzgerald, Fleming, Huffman, Jeffers, Kilgallon, Lewis, McDonel, McKay, Martin, Monteath, Rose, Sappington, Scharnikow, Smalley, Tallant, Tierney, Wilson, The Speaker—28.

The question recurring upon Bach's motion, it was adopted by the following vote:

Ayes—Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, McDonel, McKay, Martin, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Wilson, The Speaker—39.

Noes—Annear, Ash, Laurence, Logue, Loring, Metzel, Winter—7.

The Speaker appointed Bach, Scharnikow, Babcock, Tallant and Monteath as such committee.

The following bills were introduced:

By Lockhart, H. B. No. 213—An act to establish a Board of Police Commissioners in certain cities.



By A. F. Bray, by unanimous consent, without previous notice, H. B. No. 214—An act classifying railroads in the State of Montana, prescribing the maximum rate of transportation of passengers over such roads, and fixing penalties for violating the provisions of this act.

By Scharnikow, by unanimous consent, without previous notice, H. B. No. 215—An act to amend Subdivision IX, Section 142, First Division, Compiled Statutes of Montana.

House Bills Nos. 213 to 215, both inclusive, were read first and second times and referred to the Printing Committee.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 23, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 53, being “An act appropriating money for the purpose of making a display at the World’s Fair Exposition.”

I have also approved and signed H. B. No. 100, being “An act entitled ‘An act to appropriate money for the furnishing of the office of the Clerk of the Supreme Court.’”

I have also approved and signed H. B. No. 51, being “An act to prevent the corrupt solicitation of members of the Legislative Assembly and other public officers.”

I have also approved and signed H. J. M. No. 4, being “A memorial for survey of lands.”

Respectfully, J. E. RICKARDS, Governor.

The following messages were received from the Senate:

HOUSE OF REPRESENTATIVES,

Helena, Montana, February 22, 1893.

*Mr. Speaker.* I am directed by the Senate to inform your honorable body that by unanimous consent, without having given previous notice, bills were introduced as follows:

By Power, S. B. No. 64—“An act to create the Thirteenth Judicial District.”

By Matts, S. B. No. 65—“A bill for an act to amend an act entitled ‘An Act to Create the County of Ravalli, to Define its Boundaries and to Provide for its Organization,’ approved the....day of February, 1893.”

By Hoffman, S. B. No. 66—“A bill for an act to amend an act entitled ‘An Act Providing for the Better Protection of Game and Fish and for the Creation of the Office of Game and Fish Warden,’ approved February 20, 1889.

Very respectfully,

DAVID MARKS, Secretary.

H. B. No. 67 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lock-



hart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Walkup, Winter, The Speaker—43.

Noes—Bonner, Burrell, Fitzgerald—3.

Title agreed to.

H. B. No. 81 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tierney, Truman, Van Cleve, Wahle, Walkup, Winter, The Speaker—45.

Noes—None.

Title agreed to.

H. B. No. 96 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Burrell, Burns, Butler, Carpenter, Dudley, Fleming, Graves, Huffman, Jeffers, Laurence, Leech, Lockey, Lockhart, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Van Cleve, Wahle, Winter, The Speaker—30.

Noes—Bach, Bonner, A. F. Bray, C. H. Bray, Burke, Fitschen, Fitzgerald, Gorman, Kilgallon, Lewis, Logue, Loring, Scharnikow, Smalley, Tallant, Tierney, Truman, Walkup—18.

Title agreed to.

H. B. No. 74 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Losee, McDonel, McKay, Martin, Monteath, Murphy, Sappington, Smalley, Swett, Truman, Van Cleve, Wilson, Winter, The Speaker—44.

Noes—Loring, Metzel, Rose, Scharnikow, Tallant, Tierney, Wahle—7.

Title agreed to.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 23, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House

called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3

The Speaker announced that Messrs. Coder and Ward were paired until the session of to-morrow.

The ballot of the House resulted as follows:

For W. A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Smalley, Walkup—6.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For Thomas Couch: Annear—1.

For W. H. Hunt: Tierney—1.

For A. H. Mitchell: A. F. Bray, The Speaker—2.

The President announced the vote of the Joint Assembly to be as follows:

W. H. Hunt, 1 vote.

W. A. Clark, 25 votes.

W. W. Dixon, 9 votes.

Lee Mantle, 31 votes.

Thomas Couch, 1 vote.

A. H. Mitchell, 2 votes.

Total votes cast, 69.

There being no choice, the President declared no election.

On motion of Senator Goddard, the Joint Assembly was dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of C. H. Bray, the House took a recess until 2 P. M.

2:00 P. M.

House resumed.

The Speaker in the chair.

The Speaker referred House Bills Nos. 197 and 198 to the Committee on Judiciary;

H. B. No. 210 to the Committee on Public Lands;

H. B. No. 206 to the Committee on Appropriations and Claims;

H. B. No. 177 to the Committee on Game and Fish;

H. J. M. No. 10 to the Committee on Education;

H. B. No. 174 to the Committee on State Institutions;

H. J. M. No. 8 to the Committee on Railroads and Transportation;

H. B. No. 196 to the Committee on Appropriations and Claims;

H. B. No. 193 to the Committee on Incorporations and Manufactures;

H. B. No. 195 to the Committee on Towns, Counties and Highways;

H. B. No. 192 to the Committee on Appropriations and Claims;

House Bills Nos. 190 and 191 to the Committee on Labor;

H. B. No. 189 to the Committee on Judiciary;

House Bills Nos. 186 and 187 to Committee on Education;

House Bills Nos. 204, 205, 201, 202, 200, 199, 203 and 194 were placed on general orders.

H. B. No. 161 was referred to the Special Committee on Seals.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 23, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 56 has passed the Senate, and the same is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 27, 38, 53, 60, 61 and 62 have passed the Senate, and they are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Senate has concurred in the House Concurrent Resolution with reference to a committee to choose a design for the Great Seal for Montana, and in accordance therewith the Chair has appointed Senators Eggleston and Gibson to act on the part of the Senate.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Senate respectfully asks for a Conference Committee on S. B. No. 12, and that Senators Matts and Folsom have been appointed as such committee on the part of the Senate.

Very respectfully,

DAVID MARKS, Secretary.

On motion of Scharnikow, the rules were suspended and Senate Bills Nos. 27, 38, 53, 56, 60, 61 and 62 were read first and second times by title, and S. B. No. 27 referred to the Committee on Affairs of Cities; Senate Bills Nos. 38, 53 and 61 referred to the Committee on State Boards and Officers; S. B. No. 60 to the Committee on Towns, Counties and Highways; S. B. No. 56 to a Special Committee consisting of Beecher, Lockey, Carpenter, Gorman, Fitzgerald, Graves and Annear.

On motion of Monteath, S. B. No. 62 was referred to a Special Committee consisting of three members of Silver Bow County. The Speaker appointed Swett, Monteath and A. F. Bray as such committee.

The Speaker appointed Graves, Metzel and Lockhart as a Conference Committee on S. B. No. 12.



On motion of Lewis, further consideration of S. B. No. 27 was deferred until after the consideration of H. B. No. 114 (H. B. No. 114 being on general orders), the two bills being alike in nature.

Third reading of bills:

H. B. No. 80 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bonner, C. H. Bray, Burns, Butler, Carpenter, Dudley, Fitschen, Goodell, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Wahle, Wilson, Winter, The Speaker—36.

Noes—Benson, Burrell, Metzel—3.

Title agreed to.

H. B. No. 77 was read a third time and passed by the following vote:

Ayes—Ash, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Dudley, Fitschen, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Truman, Wahle, Walkup, Wilson, Winter, The Speaker—36.

Noes—Kilgallon, McDonel, Tierney—3.

Title agreed to.

On motion of Monteath, by unanimous consent, the rules were suspended and S. B. No. 44 was read a third time by title and concurred in by the following vote:

Ayes—Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Wahle, Walkup, Wilson, Winter, The Speaker—40.

Noes—None.

Title agreed to.

On motion of Monteath, by unanimous consent, S. B. No. 1 was read a third time by title and failed to pass by the following vote:

Ayes—Bach, Beecher, Benson, Burrell, Carpenter, Fitschen, Fleming, Huffman, Loring, McKay, Rose, Scharnikow, Smalley, Truman, Wahle, Winter, The Speaker—17.

Noes—Bonner, C. H. Bray, Burns, Butler, Goodell, Graves, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Swett, Tallant, Tierney, Walkup, Wilson—25.

Title agreed to.

The following reports of committees were received:

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 39, "An act to provide for the payment of bounties for the killing of certain stock-destroying animals."

Also, H. B. No. 62, "An act entitled 'An act to create a lien for the service of stock horses.'"

Also, H. B. No. 79, "An act appropriating money for the payment of Sheriffs for serving extradition papers and transporting prisoners to State Prison."

Also, H. B. No. 73, "An act to amend Sections Nos. 58 and 59 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign House Bills Nos. 39, 62, 79 and 73, and he signed the same in the presence of the House.

The Special Committee, to whom was referred S. B. No. 62, made the following report;

*Mr. Speaker:* Your Special Committee, to whom was referred S. B. No. 62, "An act to enable counties and incorporated cities to make contracts for the abatement of injurious and unhealthy smoke and fumes and to issue bonds and dispose of the same for that purpose," would respectfully report the same back with the recommendation that it do pass.

W. H. SWETT.

JAS. H. MONTEATH.

A. F. BRAY.

S. B. No. 62 was placed on general orders.

The Special Committee, to whom was referred S. B. No. 23, made the following majority and minority reports:

*Mr. Speaker:* We, a majority of your Special Committee, who were appointed to examine and report on S. B. No. 23, respectfully submit the following amendments:

Section 1—Strike out the words in line 1, after the word "Montana," up to and including the word "Montana" in line 2, and insert in lieu thereof the words "to be located."

Strike out after the word "chosen," in line 2, all of the remaining section, and insert in lieu thereof the words "by the Board of Managers."

Section 2—Strike out the word "two," in line 10, and insert in lieu thereof the word "six."

Section 12—Strike out after the word "site," in line 61, all words up to the word "said," in line 63.

Strike out all words after the word "Montana," beginning in line 63, up to the word "consist," in line 64.

Insert the word "to" before the word "consist," in line 64.

Strike out the word "six," in line 65, and insert the word "one" in lieu thereof; strike out the word "forty," in same line, and insert in lieu thereof the word "sixty."

In view of the fact that many old men, who, when our flag was endangered, left home and friends to fight in defense of that flag, are now languishing in the different poor houses of our glorious State, we believe that it is justly due that a home should be provided for them. The G. A. R. Posts of Montana ask for it; the duty we owe to the men who fought our battles in times of danger demands it; the patriotic men and women of Montana ask that the declining years of these men should be made as comfortable as possible.

Other States have institutions of this kind, and our State can better

afford to dispense with some other of its institutions for a time, rather than that these old men should suffer.

And we earnestly recommend that this bill do pass as amended.

(Signed) BENSON.

LYMAN LORING.

*Mr. Speaker:* The minority of your Committee, to whom was referred S. B. No. 23, "An act to locate the Soldiers' Home of the State of Montana," would respectfully recommend that further consideration of said bill be dispensed with for the following reasons:

First—It is believed that owing to the establishment of a Military Post at the City of Helena in the near future, which will, it is believed, cause the consolidation and abandonment of other posts at Missoula and elsewhere, and believing that one of these posts would be donated to the State by the Government for the purpose above mentioned, we deem it inexpedient at the present to urge further consideration.

Second—That, taking into consideration the number of soldiers to be cared for and the financial condition of the State, together with the expense thereunto attendant, would not justify the venture at this time.

(Signed) LEWIS.

S. B. No. 23 was placed on general orders.

By Smalley—*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom were referred H. B. No. 38, to extend the boundaries of Lewis and Clarke County;

S. B. No. 14, "An act to allow the construction and maintenance of toll roads and toll bridges and to regulate the same," respectfully report said bills back as follows:

H. B. No. 38 without recommendation.

S. B. No. 14 with recommendation that it do pass.

Respectfully submitted,

SMALLEY, Chairman.

BONNER.

TIERNEY.

LORING.

BURNS.

LEWIS.

WAHLE.

H. B. No. 38 and S. B. No. 14 were placed on general orders.

The following bills were introduced:

By Fleming, by unanimous consent, without previous notice, H. B. No. 216—A bill for an act reapportioning the State of Montana into representative districts. Read first and second times and referred to Printing Committee.

By Bach, H. B. No. 217—An act to amend Section 1449 of the Fifth Division of the Compiled Statutes of Montana. Read first and second times and referred to Printing Committee.

The House resolved itself into Committee of the Whole for the consideration of general orders, Benson in the chair.

5:40 P. M.

House resumed.

The Speaker in the chair.



Benson made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 98, report the same back with the recommendation that it be indefinitely postponed.

BENSON, Chairman.

Pending a motion to adopt the report, on motion of Swett, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 24, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members were present except Coder and Ward.

Prayer by the Rev. Mr. Brush.

Journal of the fifty-third day read and approved.

Petitions were received asking submission to the people of a constitutional amendment providing for direct legislation by the people, signed by 200 citizens of Neihart, 50 citizens of Butte and 19 citizens of Marysville.

Read and referred to the Judiciary Committee.

The following reports of committees were received:

By Scharnikow—*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, February 24, 1893, at 10 A. M., delivered to Governor J. E. Rickards for his approval H. B. No. 39, "An act to provide for the payment of bounties for the killing of certain stock-destroying animals;" also,

H. B. No. 73, "An act to amend Sections 58 and 59 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891;" also,

H. B. No. 79, "An act appropriating money for the payment of Sheriffs for serving extradition papers and transporting prisoners to the State Prison;" also,

H. B. No. 83, "An act appropriating certain moneys for the payment of sundry expenses of the Code Commission;" also,

H. B. No. 102, "An act to authorize the amendment of certificates of incorporation of railroad corporations;" also,

H. B. No. 92, "An act concerning the duties of School Trustees;" also,

H. B. No. 62, "An act entitled 'An act to create a lien for the service of stock horses.'" SCHARNIKOW, Chairman.

By A. F. Bray—*Mr. Speaker:* Your Committee on State Institutions, having had under consideration S. B. No. 52, "An act to provide an Orphans' Home;"

H. B. No. 174, "An act to prevent debtors from giving preferences to creditors," and

S. B. No. 36, "An act to transfer the Miscellaneous Divisions of the State Library," report the same back with the recommendation that they do pass.

A. F. BRAY, Chairman.

Senate Bills Nos. 52 and 36 and H. B. No. 174 were placed on general orders.

By Bonner—*Mr. Speaker*: Your Committee on Labor, to whom was referred H. B. No. 191, "An act to regulate the payment of wages," and H. B. No. 190, "An act entitled 'An act concerning the compensation of county, district and township officers,'" respectfully report the same back to your honorable body with the recommendation that H. B. No. 191 do pass, and H. B. No. 190 do pass as amended by your committee, as follows. BONNER, Chairman.

Section 1. That Section 4 of said act, entitled "An Act Concerning the Compensation of County, District and Township Officers," approved March 6, 1891, be and the same is hereby amended to read as follows:

Section 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in Section 1 of this act is hereby fixed and limited as follows:

First Class—Under Sheriff, not to exceed eighteen hundred dollars; each deputy sheriff, not to exceed twelve hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of district court, not to exceed twelve hundred dollars; deputy treasurer, not to exceed twelve hundred dollars; deputy assessor, not to exceed twelve hundred dollars.

Second Class—Under Sheriff, not to exceed fifteen hundred dollars; each deputy sheriff, not to exceed nine hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of the district court, not to exceed twelve hundred dollars.

Third Class—Under Sheriff, not to exceed fifteen hundred dollars; each deputy sheriff, not to exceed eight hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of the district court, not to exceed twelve hundred dollars.

*Provided*, That the whole number of deputies and assistants allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation;

*Provided*, In no county shall the number exceed six deputies. The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class, and one for counties of the third class;

*Provided, further*, That the whole number of deputies allowed the Treasurers of the first class shall not exceed one, and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the Board of County Commissioners; and no deputies shall be allowed the Treasurers of the second and third classes. The Assessor in the first class shall be allowed one deputy for twelve months of the year.

Such additional deputies for the first class shall receive a salary not



to exceed one hundred dollars per month during the time of their service.

The number of deputies and their compensation allowed to the County officers within the maximum limit named in this act shall be determined by the Board of County Commissioners.

The salaries herein provided for, or so much thereof as shall be due and owing, shall be paid by warrants drawn on the general funds of their respective counties, in monthly installments, after they shall have filed verified bills, as officials are required to file under the provisions of this act; and said warrants shall be drawn at the close of each month by the County Clerk and signed as herein provided for in the case of warrants in favor of officials, and such warrants may be presented, registered and paid in the same manner as warrants in favor of such officials.

House Bills Nos. 191 and 190 were placed on general orders.

By Walkup—*Mr. Speaker*: Your Committee on Printing, to whom were referred H. B. No. 207, entitled "An act to provide money for the payment of T. H. Kleinschmidt for money advanced in the payment of per diem of members of the First Legislative Assembly;"

H. B. No. 209, entitled "An act to provide money for services rendered the State," would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

House Bills Nos. 207 and 209 were placed on general orders.

Lockey, Chairman of Committee on Ways and Means, made the following report:

*Mr. Speaker*: Your Committee on Ways and Means, having had under consideration H. B. No. 131, entitled "A bill for an act to amend Section 167 of an act of the Second Legislative Assembly of the State of Montana, entitled 'An Act Concerning Revenue,'" report the same back to the House with the recommendation that it do pass.

(Signed) LOCKEY, Chairman.

Also—

*Mr. Speaker*: Your Committee on Ways and Means, to whom was referred H. B. No. 121, having had the same under consideration, herewith submit a substitute for said H. B. No. 121 and recommend the adoption of same.

(Signed) LOCKEY, Chairman.

Also—

*Mr. Speaker*: Your Committee on Ways and Means, to whom was referred H. B. No. 15, being "An act concerning licenses," having had the same under consideration, report the same back to the House with recommendation that Section 1 be stricken out and that Sections 2, 3, 4, 5 and 6 be adopted.

(Signed) LOCKEY, Chairman.

By Lewis—*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred S. B. No. 38, "To increase the number of Justices of the Supreme Court to five, defining their duties and powers and fixing their compensation;"

S. B. No. 53, for "An act to authorize the State Board of Education to select school lands and other public lands of the State for the uses and purposes of the educational institutions of the State," and



S. B. No. 61, for "An act placing the books, papers, etc., of the Historical Society of the State under control of the State of Montana, and providing for the appointment of a Trustee," having had the same under consideration, report that said bills are recommended as follows:

That S. B. No. 38 do pass.

They return Senate Bills Nos. 53 and 61 without recommendation, and that all the bills be placed on general orders.

LEWIS, Chairman.

Senate Bills Nos. 38, 53 and 61 were placed on general orders.

On motion of Monteath, substitute for H. B. No. 121, reported by Lockey, was received and the reading dispensed with.

Beecher, Chairman of Special Committee, to whom was referred S. B. No. 56, reported as follows:

*Mr. Speaker.* Your Special Committee, having had under consideration S. B. No. 56, entitled "A bill for an act to amend Chapter XXII, Fifth Division of the Compiled Statutes of Montana, relating to municipal corporations, and amendments thereto, approved September 18, 1887, and also amendments thereto, approved March 14, 1889," beg leave to report, recommending that the same be concurred in.

(Signed) D. W. BEECHER, Chairman.

S. W. GRAVES.

JOS. ANNEAR.

L. LORING.

T. D. FITZGERALD.

S. B. No. 50 was placed on general orders.

Monteath, Chairman of Special Committee on rearranging the general orders, made the following report:

*Mr. Speaker:* Your Special Committee, to whom was referred the matter of rearrangement of the calendar, would recommend the following sequence for the consideration of bills:

House Bills Nos. 5, 124, 125, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 173, 184, 194, 199, 200, 201, 202, 203, 204, 205, 207, 209, and S. B. No. 26;

*Provided,* That when the Committee on Appropriations and Claims shall be ready to report the general appropriation bill it shall take precedence over all bills above reported.

Respectfully submitted,

JAMES H. MONTEATH, Chairman *pro tem*.

On motion of Bach, the report was received, the committee continued and the report ordered to take effect immediately after House Bills Nos. 65 and 29 have been acted upon by the Committee of the Whole.

Scharnikow moved that the report of the Committee of the Whole on H. B. No. 98 be not adopted, and that said bill be placed on general orders for further consideration.

Graves moved to amend the motion by striking out the word "not," and that the report be adopted.

The roll being called, the motion to amend was carried by the following vote:

Ayes—Babcock, A. F. Bray, C. H. Bray, Burrell, Burke, Fitzgerald, Fleming, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Truman, Walkup, Winter—27.

Noes—Annear, Ash, Bach, Beecher, Benson, Bonner, Burns, Butler, Carpenter, Dudley, Fitschen, Goodell, Gorman, Kilgallon, Lockhart, Logue, Loring, Scharnikow, Smalley, Wahle, Wilson, The Speaker—22.

H. B. No. 98 was indefinitely postponed.

The House resolved itself into a Committee of the Whole for the purpose of considering general orders, Fitzgerald in the chair.

11:50 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 24, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced that Coder and Ward were paired until the end of the session.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Walkup—5.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For Thomas Couch: Annear—1.

For T. H. Kleinschmidt: Tierney—1.

For A. H. Mitchell: A. F. Bray, The Speaker—2.

For Jos. K. Toole: Smalley—1.

The President announced the vote of the Joint Assembly to be as follows:

Lee Mantle, 31 votes.

W. A. Clark, 25 votes.

W. W. Dixon, 8 votes.

Thos. Couch, 1 vote.

T. H. Kleinschmidt, 1 vote.

A. H. Mitchell, 2 votes.

Jos. K. Toole, 1 vote.

Total votes cast, 69.

There being no choice the President declared no election.

On motion of Senator Cullen, the Joint Assembly was dissolved.

12:08 P. M.

House resumed.

The Speaker in the chair.

The House resolved itself into Committee of the Whole for consideration of general orders, Fitzgerald in the chair.

12:15 P. M.

House resumed.

The Speaker in the chair.

Fitzgerald made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 65 and 29, beg leave to report the same back as follows:

That H. B. No. 65 do pass with the following amendments.

That H. B. No. 29 do not pass.

FITZGERALD, Chairman.

Amendments to H. B. No. 65, as above reported:

Amend Section 3, line 23, by adding after the word "light" the words "except electric light."

Strike out "city" or "cities" wherever it appears and insert "unincorporated."

Amend Section 3, line 18, by striking out the word "any" at the beginning of the line and substitute therefor the word "no;" also by striking out the word "who."

Amend Section 3, line 19, by striking out "one thousand" and substituting "five thousand."

Amend line 7 (printed bill) by striking out the word "twelve" after the word "brick" and insert instead the word "fourteen."

Insert after the word "petroleum," in Section 3, line 20, the words "exceeding sixty gallons."

Insert after Section 5 the following, to be numbered

Section 6. All acts and parts of acts in conflict with this act are hereby repealed.

Change Section 6 in bill to number 7.

On motion of Swett, the report was adopted.

H. B. No. 65 was referred to the Engrossing Committee as amended.

H. B. No. 29 was laid on the table.



On motion of Huffman, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2:00 P. M.

The Speaker in the chair.

Quorum present.

The following reports of committees were received:

By Babcock—*Mr. Speaker*: Your Committee on Appropriations and Claims, to whom were referred the bills as herein below numbered, beg leave to report the same back with the following recommendations:

That House Bills Nos. 18, 32 and 192 be indefinitely postponed, for the reason that the amounts named in said bills have been included in other bills.

That House Bills Nos. 43 and 132 and S. B. No. 37 be indefinitely postponed, said bills having been provided for in the general appropriation bill.

That House Bills Nos. 170, 184 and 206 do pass.

That H. B. No. 166 be amended so as to read "one hundred and fifty dollars" instead of "seven hundred and fifty dollars," and, as so amended, it do pass.

That H. B. No. 183 do pass, and give as reasons therefor that the committee are informed by the State Board of Examiners that its passage will assure to the State a saving of at least five thousand dollars per year.

A. L. BABCOCK, Chairman.

Also—

*Mr. Speaker*: Your Committee on Appropriations and Claims, having had under consideration H. B. No. 176, beg leave to report the same back with the recommendation that the same do pass.

BABCOCK, Chairman.

House Bills Nos. 176, 18, 32, 192, 43, 132, 170, 184, 206, 166 and 185 and S. B. No. 37 were placed on general orders.

House resolved itself into a Committee of the Whole for the consideration of general orders, viz., appropriation bills reported by the Special Committee—Tallant in the chair.

4:10 P. M.

House resumed.

The Speaker in the chair.

Tallant made the following report:

*Mr. Speaker*: Your Committee of the Whole, having had under consideration House Bills Nos. 5, 124, 125, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 173, 184, 194, 199, 200, 201, 202, 203, 204, 205, 207, 209, 206 and S. B. No. 26, would respectfully report them back as follows:

That House Bills Nos. 5 and 132 be indefinitely postponed.

That House Bills Nos. 124, 125, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 162, 163, 164, 168, 171, 172, 173, 184, 194, 203, 204, 205, 207, 209, 206 and S. B. No. 26 do pass.

That House Bills Nos. 165, 166, 167, 170, 199, 200, 201 and 202 do pass as amended.

TALLANT, Chairman.

The report was adopted.

House Bills Nos. 5 and 132 were indefinitely postponed.

All other bills reported from Committee of the Whole were referred to Engrossing Committee with following amendments:

Amendments to H. B. No. 165:

Amend title to read as follows: "An act appropriating money for the payment for rent of Legislative Halls, supplies furnished and labor performed for the Legislative Assembly of Montana."

Reduce the items therein contained to read as follows:

Independent Publishing Company...\$160 00

Fisk Brothers ..... 160 00

Amendment to H. B. No. 166:

Amend so as to read \$150.00 instead of \$750.00.

Amendment to H. B. No. 167:

Amend title by adding as follows: "As Private Secretary to the Governor and as Custodian of State Armory."

Amendment to H. B. No. 170:

Amend title to read as follows: "An act to appropriate money for payment of officers and expenses of the Supreme Court."

Amendment to H. B. No. 199:

Amend by striking out line 4 and insert in lieu 1893.

Amendment to H. B. No. 200:

Amend Section 1 by striking out 1894 and inserting in lieu thereof 1893, in last line.

Amendment to H. B. No. 201:

Amend Section 1, line 4, by striking out the figures 1894 and inserting in lieu thereof 1893.

Amendment to H. B. No. 202:

Strike out in line 4, 1894, and insert 1893.

The following messages from the Governor were received:

EXECUTIVE OFFICE,

Helena, Montana, February 23, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 23, being "An act to establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana."

I have also approved and signed H. B. No. 78, being "An act appropriating money for the payment of services rendered by the State Board of Arbitration.

Respectfully,

J. E. RICKARDS, Governor.

Also—

Helena, Montana, February 24, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 73, being "An act to amend Sections 58 and 59 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891."

I have also approved and signed H. B. No. 79, being "An act appropriating money for the payment of Sheriffs for serving extradition papers and transporting prisoners to State Prison."

I have also approved and signed H. B. No. 83, being "An act appropriating certain moneys for the payment of sundry expenses of Code Commission."

I have also approved and signed H. B. No. 102, being "An act to authorize the amendment of certificates of incorporation of railroad corporations." Respectfully,

J. E. RICKARDS, Governor.

The following messages were received as follows:

SENATE CHAMBER,

Helena, Montana, February 24, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 66 has passed the Senate, and is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

SENATE CHAMBER,

Helena, Montana, February 24, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 37 and 47 have passed the Senate and are herewith transmitted.

Also, that House Bills Nos. 97, 76, 37, 8 and 47 and H. J. M. No. 5 have been concurred in and are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

On motion of Scharnikow, by unanimous consent, the rules were suspended and Senate Bills Nos. 67, 37 and 47 were read first and second times by title.

S. B. No. 66 was referred to Committee on Game and Fish.

S. B. No. 37 was referred to Committee on Appropriations and Claims.

S. B. No. 47 was referred to Committee on State Institutions.

House Bills Nos. 97, 76, 37, 8, 47 and H. J. M. No. 5 were referred to the Enrollment Committee.

The Speaker signed Enrolled S. B. No. 24 in the presence of the House.

The following bills were introduced:

By Benson, H. B. No. 218—An act providing for the advertising and letting contracts for the furnishing of all county printing, books and stationery and all supplies for county institutions and offices.

By Committee on Appropriations and Claims, by unanimous consent, H. B. No. 219—An act appropriating money for the Executive, Legislative and Judicial Departments for the fiscal years ending December 1, 1893, and December 1, 1894.

By Scharnikow, H. J. R. No. 3—Directing delivery to each member of the Third Legislative Assembly a copy of the Journal of each House and laws enacted.

H. B. No. 218 and H. J. R. No. 3 were read first and second times and referred to Printing Committee.

On motion of Tallant, by unanimous consent, the rules were suspended and H. B. No. 219 was read first and second times by title and referred to Printing Committee.



The conference Committee made the following report:

*To the Senate and House of Representatives of the Third Legislative Assembly:*

The undersigned, your Committee on Conference, appointed to consider the House amendments to S. B. No. 12, have had the same under consideration, and beg leave to recommend that the said amendments be not adopted and that the House recede therefrom,

(Signed)

E. D. MATTS,

D. E. FOLSOM,

Members on the part of the Senate.

(Signed)

S. W. GRAVES,

W. H. LOCKHART,

ALEX. METZEL,

Members on the part of the House.

The report was adopted, and, on motion of Monteath, the roll was called and the House receded from its amendments to S. B. No. 12 by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fleming, Goodell, Graves, Huffman, Jeffers, Kilgallon, Leech, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzels, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Talant, Truman, Wahle, Walkup, Winter, The Speaker—42.

Noes—None.

The following reports of committees were received:

By Smalley—*Mr. Speaker*: Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 195, being a bill for "An act to amend Sections 1613 and 1614, Fifth Division, Compiled Statutes of Montana," having had the same under consideration, respectfully report said bill back and recommend that it do pass.

SMALLEY, Chairman.

H. B. No. 195 was placed on general orders.

By Logue—*Mr. Speaker*: Your Committee on Public Lands, having had under consideration H. B. No. 210, beg leave to report the same back and recommend it do pass.

LOGUE, Chairman.

H. B. No. 210 was placed on general orders.

By Annear—*Mr. Speaker*: Your Committee on Affairs of Cities, to whom was referred S. B. No. 27, a bill for an act entitled "An act concerning savings banks and trust deposits and security associations," beg leave to report the same back without recommendation.

JOSEPH ANNEAR, Chairman.

S. B. No. 27 was placed on general orders.

On motion of Huffman, the House reconsidered its action on H. B. No. 29, whereby the bill was laid on the table.

On motion of Monteath, H. B. No. 29 was referred to the Engrossing Committee with instructions to engross the bill as printed.

By Bach—*Mr. Speaker*: The committee appointed by the House to rearrange the calendar do hereby report that they recommend that Senate bills and resolutions be taken from their places on general or-

ders and be advanced in their order to the head of the calendar without further changing the calendar at this time.

THOS. C. BACH, Chairman.

Logue moved that the report be not adopted.

Bach moved as an amendment that the report be adopted.

The roll being called, the report was adopted by the following vote:

Ayes—Babcock, Bach, Beecher, Benson, Burrell, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Leech, Lockey, Losee, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Tallant, Walkup, The Speaker—28.

Noes—Annear, Ash, Bonner, A. F. Bray, C. H. Bray, Burns, Butler, Graves, Kilgallon, Lockhart, Logue, McDonel, Swett, Truman, Wahle, Winter—16.

Objection was made that the report needs a two-thirds vote to adopt it.

The Speaker decided that a majority vote was sufficient.

An appeal from his decision was made, and, the roll being called, the decision of the Chair was sustained by the following vote:

Ayes—Babcock, Beecher, Benson, Burrell, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Leech, Lockhart, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Tallant, Walkup, The Speaker—27.

Noes—Annear, Ash, Bach, Bonner, C. H. Bray, Burns, Butler, Graves, Kilgallon, Lockey, Logue, Scharnikow, Swett, Truman, Wahle, Winter—16.

Tallant moved that the House take a recess until 7:30 P. M.

Lockey moved that the House do adjourn.

The motion to adjourn was lost by the following vote:

Ayes—Annear, Ash, Carpenter, Fitschen, Kilgallon, Lockey, Lockhart, Martin, Murphy, Sappington, Smalley, Swett, Wahle—13.

Noes—Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitzgerald, Fleming, Goodell, Graves, Huffman, Jeffers, Leech, Logue, Losee, McDonel, Metzel, Monteath, Rose, Scharnikow, Tallant, Truman, Winter, The Speaker—30.

Tallant's motion to take a recess until 7:30 P. M. was carried.

#### EVENING SESSION.

House resumed at 7:30 P. M.

The Speaker in the chair.

Quorum present.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Tallant in the chair.

8:45 P. M.

House resumed.

The Speaker in the chair.

Tallant, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* You Committee of the Whole, having had under consideration S. J. R. No. 1 and Senate Bills Nos. 10 and 18, report the same back as follows:

We recommend that S. J. R. No. 1 be concurred in;

That S. B. No. 18 be concurred in;

That S. B. No. 10 be concurred in with the accompanying amendments. TALLANT, Chairman.

House amendments to S. B. No. 10:

Logue moved to strike out "fifty" and insert "twenty." Adopted.

Amend Section 1 by inserting the word "forty" instead of the word "twenty" on line 18, page 2. Monteath.

The report was adopted.

On motion of Tallant, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FIFTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 25, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all members were present except Coder and Ward.

Prayer by the Chaplain.

Journal of the fifty-fourth day read and approved.

A remonstrance was received from the citizens of Park County against the creation of Sweet Grass County, signed by A. S. Nichols and 800 others.

The petition was read and referred to the Committee on Towns, Counties and Highways.

The following notices of bills were given:

By Tallant—An act to create the County of Cooper, to define its boundaries and provide for the officers thereof.

By Lockhart—A bill to open section lines.

The following reports of committees were received:

By Wilson—*Mr. Speaker:* Your Committee on Engrossment respectfully submit the following engrossed bills:

H. B. No. 124, "An act entitled 'An act to provide for the payment of interest on the claims of certain members of the Legislature of Montana.'"

H. B. No. 125, "An act appropriating money for the relief of the Montana National Bank for money advanced in payment of salaries and mileage to the members of the First Legislative Assembly of the State of Montana,"

H. B. No. 136, "An act to provide for the payment of Bernard Brown for services rendered the State as an expert in examining the books of the State Auditor and State Treasurer."



H. B. No. 135, "An act to provide for the payment of Joseph Hogan for office and traveling expenses as Mine Inspector."

H. B. No. 137, "An act to provide for the payment of G. C. Swallow for office and traveling expenses as Mine Inspector."

H. B. No. 138, "An act to provide for the payment of E. W. Knight for money advanced to the Independent Publishing Company for printing and binding the Codes of the State of Montana, in accordance with contract therefor."

H. B. No. 139, "An act to provide for the payment of J. D. Taylor for supplies furnished to the House of Representatives of the First Session of the Legislature."

H. B. No. 140, "An act to provide for the payment of Horace R. Buck for preparing an index to the Acts of the Second Legislative Assembly."

H. B. No. 141, "An act to provide for the payment of Martin Maginnis, Mineral Land Commissioner, for salary and contingent expenses for the fiscal year of 1892."

H. B. No. 142, "An act to provide for the payment of J. P. Blakely for services rendered the State as Custodian in charge of the buildings and lands at Fort Ellis."

H. B. No. 143, "An act to provide for the payment of the Helena Power and Light Company for electric light furnished to the First Legislative Assembly of the State of Montana."

H. B. No. 144, "An act to provide for the payment of Mrs. Janet C. Kinna for supplies furnished to the Senate of the First Legislative Assembly."

H. B. No. 145, "An act to provide for the payment of Douglas Sampson for services rendered the State."

H. B. No. 146, "An act to provide for the payment of George W. Sproule for services rendered the State as Deputy Clerk of the Supreme Court."

WILSON, Chairman.

Also—

*Mr. Speaker:* Your Committee on Engrossment beg leave to report the following bills correctly engrossed:

H. B. No. 65, "An act to amend an act entitled 'An Act Concerning the Storage of Gunpowder and Other High Explosives,' approved March 1, 1883, and for the better protection of cities, towns and villages;"

H. B. No. 162, "An act to provide for the payment of the Independent Publishing Company for services rendered the State;"

H. B. No. 163, "An act to provide for the payment of Bernard Brown for services rendered the State;"

H. B. No. 164, "An act to provide for the payment of H. S. Howell for services rendered the State;"

House Bill No. 165, "An act to appropriate money for the payment of rent of the Legislative Halls, supplies furnished and labor performed for the Third Legislative Session of Montana;"

H. B. No. 166, "An act to provide for the payment of C. J. McSherry, as administrator of the estate of D. T. McDevilt, for services rendered the State by D. T. McDevilt, deceased;"

H. B. No. 167, "An act to provide for the payment of B. P. Stout

for services rendered the State as Private Secretary to the Governor and as Custodian of the State Armory;"

H. B. No. 168, "An act to provide for the payment of J. E. Lloyd and J. M. Ramsey for transportation and board of convicts;"

H. B. No. 170, "An act to appropriate money to provide for the payment of certain persons for services rendered the State;"

H. B. No. 171, "An act to appropriate money for the payment of certain persons for supplies furnished in fitting up rooms for the meeting of the Legislature;"

H. B. No. 172, "An act to appropriate money for the payment of the Western Union Telegraph Company;"

H. B. No. 173, "An act to appropriate money for the payment of certain persons for publishing notices of pardon by direction of the State Board of Pardons;"

H. B. No. 184, "An act appropriating money to defray expenses of Montana State Fireman's Association;"

H. B. No. 194, "An act appropriating money for the relief of Charles Z. Pond for services rendered the State of Montana;"

H. B. No. 199, "An act appropriating money for the use and benefit of the School of Mines;"

H. B. No. 200, "An act appropriating money for the use and benefit of the State Normal School;"

H. B. No. 201, "An act appropriating money for the use and benefit of the State University;"

H. B. No. 202, "An act appropriating money for the use and benefit of the State Agricultural College;"

H. B. No. 203, "An act to provide for the payment of T. H. Kleinschmidt for interest on moneys advanced for the payment of the per diem of members of the First Legislative Assembly of the State of Montana;"

H. B. No. 204, "An act to provide for the payment of publications of notices of pardons;"

H. B. No. 205, "An act to provide for the payment of bounties on stock-destroying animals;"

H. B. No. 206, "An act to provide for labor done and supplies furnished to the Legislative Halls of the Third Session of the Legislative Assembly of the State of Montana;"

H. B. No. 207, "An act to provide for the payment of T. H. Kleinschmidt for moneys advanced in the payment of per diem of members of the First Legislative Assembly;"

H. B. No. 209, "An act to provide money for services rendered the State;"

H. B. No. 29, "An act entitled 'An act to amend Sections 790, 795, 796 and 808, Fifth Division of Compiled Statutes of Montana.'"

Very respectfully, WILSON, Chairman.

House Bills Nos. 65, 124, 125, 135 to 146, both inclusive, 162 to 168, both inclusive, 170 to 173, both inclusive, 184, 194, 199 to 207, inclusive, 209 and 29 were placed on file for third reading.

By Walkup—*Mr. Speaker*: Your committee, to whom were referred H. B. No. 208, entitled "An act to create the office of Building



Inspector and Supervisor and to define his duties and powers and provide for his compensation;”

H. B. No. 211, entitled “An act to establish and define a boundary line between Park County and Yellowstone County;”

H. B. No. 212, entitled “An act regulating the sale of street car railroad tickets;”

H. B. No. 215, entitled “An act to amend Subdivision 9, Section 642, Fifth Division, Compiled Statutes of Montana;”

H. B. No. 216, entitled “An act reapportioning the State of Montana into representative districts,” and

H. B. No. 217, a bill for “An act to amend Section 1449 of the Fifth Division of the Compiled Statutes of Montana;”—respectfully report the same back correctly printed.

(Signed) WALKUP, Chairman.

The Speaker made the following references of bills:

H. B. No. 208 to the Committee on State Institutions.

H. B. No. 211 to the Committee on Towns, Counties and Highways.

H. B. No. 212 to the Committee on Affairs of Cities.

House Bills Nos. 215 and 217 to the Committee on Judiciary.

H. B. No. 216 to the Committee on Apportionment and Representation.

By Bach—*Mr. Speaker*: Your Committee on Judiciary, to whom were referred S. B. No. 45, entitled “An act to amend Section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana;”

H. B. No. 93, entitled “An act to prescribe the mode of payment of all obligations of debt to be paid in money;”

H. B. No. 115, entitled “An act providing for the submission to the qualified electors of the State of an amendment to Article V of the Constitution, relating to the Legislative Department;”

H. B. No. 175, entitled “An act fixing the fees to be charged and collected by the Clerks of the District Courts for the use of their respective counties;”

H. B. No. 181, entitled “An act to amend Sections 201 and 202 of an act entitled ‘An Act Concerning Revenue,’ approved March 6, 1891;”

H. B. No. 182, entitled “An act to repeal Section 1078, Fifth Division, General Laws;”

H. B. No. 185, entitled “An act to amend an act entitled ‘An Act to Regulate the Practice of Medicine in the Territory of Montana,’ ” etc.

H. B. No. 189, entitled “A bill for an act to amend Section 75, Fourth Division, Compiled Statutes of Montana;”

H. B. No. 197, entitled “An act prescribing the time for commencing actions for the recovery of real property;”

H. B. No. 198, entitled “An act to determine conflicting claims to real property and providing for actions concerning real estate;”—beg



leave to report the same back to your honorable body with the recommendation that the same be placed upon general orders, for the same reason assigned in our last report.

THOMAS C. BACH,  
Chairman of the Judiciary Committee.

S. B. No. 45 and House Bills Nos. 93, 115, 175, 181, 182, 185, 189, 197 and 198 were placed on general orders.

By Lewis—*Mr. Speaker*: Your Committee on State Boards and Officers, to whom was referred H. B. No. 156, being a bill for "An act to amend Sections 2 and 3 of an act entitled 'An Act to Establish a Territorial Board of Inspection for Steam Boilers, and for the Examination and Licensing of Engineers,' approved March 14, 1889," having had the same under consideration, respectfully report said bill back without recommendation.

Respectfully submitted, LEWIS, Chairman.

H. B. No. 156 was placed on general orders.

The Special Committee appointed to rearrange the calendar made the following majority and minority reports:

By Bach, on the part of the majority of the committee—*Mr. Speaker*: Your committee appointed to rearrange the calendar, and report from time to time, beg leave to report that they recommend that, after the bills already advanced by the adoption of the reports of this committee shall have been acted upon, the following bills shall be advanced and considered by the House:

First—All appropriation bills not already acted upon.

Second—Bill No. 110, known as the Granite County bill.

Third—Bill No. 188, known as the Sweet Grass County bill.

(Signed) THOMAS BACH, Chairman.

By Scharnikow, on the part of the minority—*Mr. Speaker*: The undersigned, a minority of the Special Committee appointed to rearrange the general orders and report to the House, beg leave to report as follows:

That when appointed it was with the understanding that any report recommended by the committee being in the nature of making a special order would of necessity require a two-thirds vote for its adoption under the rules.

The rules of the House in this respect, however, were suspended or changed by a majority vote, and the Special Committee's report adopted.

At a meeting held Friday evening, February 24, 1893, the majority recommended placing all overlooked appropriation bills to follow Senate Bills, to be followed by county division bills.

Your minority respectfully protest against any such action which placed bills but recently introduced prior to many House Bills that have had a place near the head of general orders for several weeks, but have been unable to be reached through the precedence given to others by special orders.

The minority therefore recommends that no further special orders be made or considered until the disposition of all appropriation bills.

SCHARNIKOW, Chairman.

Logue moved the adoption of the minority report.

Tallant moved the adoption of the majority report.

On motion of A. F. Bray, both reports and both motions were laid on the table.

On motion of Swett, the Steering Committee was discharged.

The following bills were introduced:

By Committee on State Institutions, by unanimous consent, without previous notice, H. B. No. 220—An act to amend Section 2 of Article XIII of the Constitution of the State of Montana, relating to the limiting of public indebtedness.

By Tierney, by unanimous consent, without previous notice, H. B. No. 221—An act to amend Section 124 of "An Act Concerning Revenue," approved March 6, 1891.

Swett moved that when the House adjourn, it do adjourn until 11:30 A. M. Monday. Carried.

McDonel moved that H. B. No. 110, "An act to create the County of Granite," be made a special order for 2 P. M. Monday next.

Scharnikow moved to amend by making House Bills Nos. 70 and 107 a special order for 2 P. M. Monday next.

Logue moved to amend the amendment by making House Bills Nos. 94 and 112 a special order for 2 P. M. Monday next.

Bach raised the objection that these amendments were not germane to the original motion, and were out of order.

The Chair ruled that the amendments were in order.

An appeal being taken from the decision of the Chair, the Chair was not sustained by the following vote:

Ayes—Ash, Beecher, Benson, Butler, Jeffers, Kilgallon, Lockey, Lockhart, Logue, Loring, Martin, Metzel, Sappington, Scharnikow, Truman, Wahle, Wilson—17.

Noes—Annear, Babcock, Bach, Bonner, A. F. Bray, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Laurence, Leech, Lewis, Losee, McDonel, McKay, Monteath, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Walkup, Winter—32.

Truman moved to lay the motion on the table, which was lost by the following vote:

Ayes—Ash, Butler, Dudley, Fitschen, Goodell, Jeffers, Lockey, Lockhart, Logue, Loring, McKay, Martin, Metzel, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson, Winter—20.

Noes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Carpenter, Fitzgerald, Fleming, Gorman, Graves, Huffman, Kilgallon, Laurence, Leech, Lewis, Losee, McDonel, Monteath, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Walkup, Matthews—31.

The original motion requiring a two-thirds vote for adoption was lost by the following vote:

Ayes—Annear, Babcock, Bach, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Carpenter, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Lewis, Losee, McDonel, Monteath, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Walkup, Wilson, Winter—31.



Noes—Ash, Beecher, Butler, Dudley, Fitschen, Jeffers, Leech, Lockhart, Logue, Loring, McKay, Martin, Metzel, Murphy, Sappington, Scharnikow, Truman, Wahle, Matthews—19.

Third reading of bills:

H. B. No. 65 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Butler, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Winter, Matthews—44.

Noes—None.

Title agreed to.

H. B. No. 124 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 125 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Babcock, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Walkup, Winter, The Speaker—48.

Noes—None.

Title agreed to.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 25, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:



For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The Speaker announced that Coder and Ward were paired until the return of Ward.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, Burke, Fitzgerald, Gorman, Walkup—5.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Talant, Van Cleve, Winter—23.

For W. E. Hall: Annear—1.

For T. H. Kleinschmidt: Leech, Tierney—2.

For Joseph K. Toole: Smalley—1.

For A. H. Mitchell: A. F. Bray, The Speaker—2.

The President announced the vote of the Joint Session to be as follows:

Lee Mantle, 30 votes.

W. A. Clark, 25 votes.

W. W. Dixon, 8 votes.

W. E. Hall, 1 vote.

T. H. Kleinschmidt, 2 votes.

A. H. Mitchell, 2 votes.

Jos. K. Toole, 1 vote.

Total votes cast, 69.

There being no choice the President declared no election.

On motion of Senator Cullen, the Joint Assembly was dissolved.

12:07 P. M.

House resumed.

The Speaker in the chair.

Scharnikow, Chairman of the Enrollment Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 8, "An act to locate the State prisons of Montana, and to provide for the erection and repairs of prison buildings, and to appropriate money therefor."

Also, H. B. No. 97, "An act to provide revenue for the support of the government of the State of Montana for the fiscal years of 1893 and 1894."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign House Bills Nos. 8 and 97, and signed the same in the presence of the House.

C. H. Bray moved that the House adjourn.

The motion was carried by the following vote:

Ayes—Annear, Ash, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, McKay, Martin, Monteath, Sappington, Swett, Truman, Wahle, Walkup, Wilson, Winter—31.

Noes—Babcock, Bach, Burrell, Burns, Burke, Fleming, Goodell, Graves, Huffman, Leech, Losee, McDonel, Metzger, Murphy, Rose, Scharnikow, Smalley, Tallant, Tierney, Van Cleve, The Speaker—21.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 27, 1893.

House met pursuant to adjournment at 11:30 A. M.

The Speaker in the chair.

Roll called and all the members present except Coder.

Prayer by the Chaplain.

The Chairman of the Enrollment Committee of the Senate appeared before the bar of the House, was received by the House, and the Speaker announced that he was about to sign S. B. No. 44 and S. B. No. 12, and signed the same in the presence of the House.

Journal of the fifty-fifth day read and approved.

Petitions were received from M. Hungerford and forty-five others, praying for the passage of H. B. No. 113.

The petitions were read and referred to the Committee of Judiciary.

Reports of committees:

Scharnikow, Chairman of the Enrollment Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they delivered to Governor J. E. Rickards on February 25, 1893, at 5 P. M., House Bills Nos. 8 and 97.

SCHARNIKOW, Chairman.

Annear, Chairman of the Committee on Affairs of Cities, made the following report:

*Mr. Speaker:* Your Committee on Affairs of Cities, to whom was referred H. B. No. 212, a bill for "An act regulating the sale of street car railroad tickets," beg leave to report the same back to the House without recommendation.

(Signed) JOSEPH ANNEAR, Chairman.

The report was received and H. B. No. 212 was placed on general orders.

A. F. Bray, Chairman of the Committee on State Institutions, made the following reports:

*Mr. Speaker:* Your Committee on State Institutions beg to report that, having had under consideration H. B. No. 208, being a bill for

"An act to create the office of Building Inspector," and S. B. No. 47, being "An act to provide for the care, keeping and custody and control of convicts of the State," and recommend that the same do pass.

(Signed) A. F. BRAY, Chairman.

Also—

*Mr. Speaker:* Your Committee on State Institutions, having had under consideration H. B. No. 91, being "An act for the locating of the Agricultural College at Miles City," beg to recommend that it be indefinitely postponed; H. B. No. 68, "An act to locate, establish and endow a State Normal School," and H. B. No. 27 and substitute for same, being "A bill for the location of a Hospital of the Insane," with the same recommendation.

(Signed) A. F. BRAY, Chairman.

The reports were received and House Bills Nos. 91, 27, 208 and 68 and S. B. No. 47 were placed on general orders.

Scharnikow, Chairman of the Enrollment Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. J. M. No. 5 and H. B. No. 76, "An act to amend Section 1908 of the Fifth Division of the Compiled Statutes of the State of Montana." (Signed) SCHARNIKOW, Chairman.

The report was received, and the Speaker announced that he was about to sign H. J. M. No. 5 and H. B. No. 76, and he signed the same in the presence of the House.

Walkup, Chairman of the Printing Committee, made the following report:

*Mr. Speaker:* Your Committee, to whom was referred H. J. R. No. 3, H. B. No. 218, entitled "An act to provide for the advertising and letting of contracts for the furnishing of all county printing, books and stationery and all supplies for county institutions and officers;"

H. B. No. 219, entitled "An act to appropriate money for the Executive, Legislative and Judicial departments for the fiscal years ending December 1, A. D. 1893, and December 1, 1894;"

H. B. No. 220, entitled "An act to amend Section 2, Article XIII of the Constitution of the State of Montana, in relation to the limit of public indebtedness;"

H. B. No. 221, "An act to amend Section 134 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891;"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

H. B. No. 218 and H. J. R. No. 3 were referred to the Committee on State Boards and Officers; Nos. 220 and 221 were referred to the Judiciary Committee, and H. B. No. 219 was placed on general orders.

Introduction of bills:

A. F. Bray, by consent, without having given previous notice, introduced H. B. No. 222, "An act to amend an act entitled 'An Act Providing for the Printing and Distribution of Ballots at Public Expense, and to Regulate the Voting at Territorial and Other Elections.'"



On motion of A. F. Bray, the rules were suspended, and H. B. No. 222 read first and second times by title and referred to the Printing Committee.

On motion of Graves, the House took a recess until the arrival of the Senate.

11:59 A. M.

House resumed.

The Speaker in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

#### HALL OF THE HOUSE OF REPRESENTATIVES, Helena, Montana, February 27, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Walkup, The Speaker—7.

For Lee Mantle: Babcock, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—23.

For W. E. Hall: Annear—1.

For T. H. Kleinschmidt: Tierney, Leech—2.

For Joseph K. Toole: Smalley—1.

The President announced the vote of the Joint Assembly to be as follows:

Lee Mantle, 30 votes.

W. A. Clark, 25 votes.

W. W. Dixon, 10 votes.

W. E. Hall, 1 vote.

T. H. Kleinschmidt, 2 votes.

Joseph K. Toole, 1 vote.

Total votes cast, 69.

There being no choice, the President declared no election.

Ward notified the Joint Session that on all ballots after Monday he would vote for United States Senator, and requested that the President excuse him from voting to-day, and the request was granted.

On motion of C. H. Bray, the Joint Assembly was dissolved.

12:15 P. M.

House resumed.

The Speaker in the chair.

On motion of A. F. Bray, the House took a recess until 1:30 P. M.

1:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Scharnikow, Chairman of the Enrollment Committee, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 37, "An act to provide further protection to game and fur-bearing animals, birds and fish."

Also, H. B. No. 47, "An act to amend Section 374 of an act entitled 'An Act Concerning Compensation of County, District and Township Officers,' approved March 6, 1891."

SCHARNIKOW, Chairman.

The report was received and the Speaker *pro tem.* announced that he was about to sign House Bills Nos. 37 and 47, and signed the same in the presence of the House.

The following message was received from the Governor:

EXECUTIVE OFFICE,

Helena, Montana, February 25, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 92, being "An act concerning the duties of School Trustees."

I have also approved and signed H. B. No. 62, being "An act entitled 'An act to create a lien for the service of stock horses.'"

Respectfully, J. E. RICKARDS, Governor.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 25, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 54 and 59 have passed the Senate and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

SENATE CHAMBER,

Helena, Montana, February 25, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 64 has passed the Senate, and the same is herewith transmitted.

H. B. No. 123, as amended, and House Bills Nos. 81, 67 and 17 have been concurred in by the Senate, and they are herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 48 and 58 have passed the Senate, and are herewith transmitted.

Also, that the Senate has concurred in H. B. No. 77, and it is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

Reading of Senate Bills:

On motion of Scharnikow, the rules were suspended and Senate Bills Nos. 54, 59, 64, 48 and 58 were read first and second times by title.

H. B. No. 123 and Senate amendment was placed on general orders.

House Bills Nos. 81, 67, 17 and 77 were referred to the Enrollment Committee.

The Speaker *pro tem.* referred Senate Bills Nos. 54 and 58 to the Committee on Incorporations and Manufactures.

S. B. No. 59 to the Committee on Ways and Means.

S. B. No. 64 to the Committee on Judiciary.

S. B. No. 48 to the Committee on Privileges and Elections.

Graves moved that H. B. No. 110, "An act to create Granite County," and H. B. No. 188, "An act to create Sweet Grass County," be made a special order for 7:30 P. M. to-day.

Ash moved to lay that part of Graves' motion referring to H. B. No. 188 on the table.

The amendment was lost by the following vote:

Ayes—Ash, Bach, C. H. Bray, Butler, Dudley, Fitschen, Goodell, Gorman, Kilgallon, Laurence, Lockhart, Logue, Loring, Metzel, Sappington, Scharnikow, Truman, Wahle, Wilson, Winter—20.

Noes—Annear, Babcock, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Fleming, Graves, Huffman, Lewis, Losee, McDonel, Martin, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Ward, Walkup—25.

Bach moved for a division of the original motion, which was lost by the following vote:

Ayes—Ash, Bach, Benson, Dudley, Fitschen, Goodell, Jeffers, Kilgallon, Laurence, Lockhart, Loring, Sappington, Wahle, Winter—14.

Noes—Annear, Babcock, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Fleming, Gorman, Graves, Huffman, Leech, Lewis, Logue, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Wilson—31.

Graves' original motion requiring a two-thirds vote for the adoption was lost by the following vote:

Ayes—Annear, Babcock, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Fleming, Gorman, Graves, Huffman, Leech, Lewis, Losee, McDonel, Martin, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Ward, Walkup, Wilson—28.



Noes—Ash, Bach, Beecher, Benson, Butler, Dudley, Fitschen, Goodell, Jeffers, Kilgallon, Laurence, Lockhart, Logue, Metzel, Sappington, Scharnikow, Truman, Wahle, Winter—19.

Graves moved that H. B. No. 110 be made a special order for 7:30 P. M. on Monday, February 27th.

The motion was adopted by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Loring, Losee, McDonel, Martin, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Ward, Walkup—37.

Noes—Ash, Butler, Dudley, Fitschen, Lockhart, Logue, Metzel, Sappington, Scharnikow, Truman, Wahle, Wilson, Winter—13.

Scharnikow moved that House Bills Nos. 70 and 107 be made a special order for 2 P. M., Tuesday, February 28, 1893.

The motion requiring a two-thirds majority for adoption was lost.

Van Cleve moved that H. B. No. 188 be the next order of business following the consideration of H. B. No. 110.

The motion requiring a two-thirds vote for the adoption was lost by the following vote:

Ayes—Annear, Babcock, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Fitschen, Fleming, Goodell, Gorman, Graves, Huffman, Leech, Lewis, Losee, McDonel, Martin, Monteath, Rose, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup—30.

Noes—Ash, Bach, Beecher, Butler, Carpenter, Dudley, Jeffers, Kilgallon, Laurence, Lockhart, Logue, Loring, Metzel, Sappington, Scharnikow, Wahle, Wilson, Winter—18.

On motion of Bach, the House resolved itself into Committee of the Whole for the consideration of Senate Bills placed at the head of general orders by adoption of the report of the Special Committee, Burke in the chair.

5:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bills Nos. 21, 22, 5, 34, 46, 40, 19, 39, 23, 62, 56, 29 and 14, respectfully report same back, recommending that Senate Bills Nos. 21, 22 and 23 be not concurred in, and be indefinitely postponed; report progress on S. B. No. 5, and ask leave to sit again; that Senate Bills Nos. 34, 46, 40, 39, 62, 29 and 14 be concurred in and that Senate Bills Nos. 19 and 56 be concurred in as amended and ask leave to sit again on Senate Bills not already acted upon.

BURKE, Chairman.

House amendment to S. B. No. 19:

Add to Section 3 the following: "Nor shall it interfere with the provisions of Chapter XXXVI of the Fifth Division of the Compiled Statutes of this State so far as to impair any mortgage on rolling stock or equipment of any railroad therein provided for or repeal the

provisions therein contained providing for the making of such mortgages."

House amendment to S. B. No. 56:

Amend by adding to Clause IX, at the end thereof, the following words, to-wit: "By a vote of not less than three-fourths of such taxpayers who vote at such election."

LEWIS, Chairman.

Tallant moved the adoption of the report.

Benson moved that the report of the Committee of the Whole in relation to S. B. No. 23 be not adopted.

Loring moved the report of the Committee of the Whole relating to Senate Bills Nos. 21 and 22 be not adopted.

On motion of Tallant, both amendments were laid on the table and the report of the Committee of the Whole as received was adopted.

On motion of Graves, the House took a recess until 7:15 P. M.

#### EVENING SESSION.

House resumed at 7:15 P. M.

The Speaker *pro tem.* in the chair.

Annear, Chairman of the Committee on Affairs of Cities, made the following report:

*Mr. Speaker:* Your Committee on Affairs of Cities, to whom was referred S. B. No. 35, entitled "An act authorizing cities and towns to incur indebtedness and to issue warrants or bonds therefor," having considered the same, beg leave to refer the bill back to the House without recommendation.

(Signed) ANNEAR, Chairman.

Report received and S. B. No. 35 was placed on general orders.

The following message was received from the Governor:

GOVERNOR'S OFFICE,

Helena, Montana, February 27, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 97, being "An act to provide revenue for the support of the government of the State of Montana for the fiscal years of 1893 and 1894."

Respectfully, J. E. RICKARDS, Governor.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,

Helena, Montana, February 27, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of claims in the sum of \$2,206, which shows:

- (a) The names of persons, companies or corporations to whom the State is indebted;
- (b) The nature of the indebtedness or claim against the State;
- (c) The amount of such indebtedness or claim;
- (d) The amount approved by the Board;



- (e) The total amount;
- (f) The amount disallowed and the reason for disallowing the same;
- (g) The reason why the same has not been paid.

Accompanying this statement are bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board Examiners.

Vouchers, etc., accompanying the communication were referred to the Committee on Appropriations and Claims.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 27, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 63 has passed the Senate and is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary

On motion of Scharnikow, the rules were suspended and S. B. No. 63 was read first and second times by title.

S. B. No. 63 was referred to the Committee on Towns, Counties and Highways.

The House resolved itself into a Committee of the Whole for the consideration of H. B. No. 123 and Senate amendments thereto, Burke in the chair.

7:29 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 123 and Senate amendments, respectfully report the same back with the recommendation that Senate amendments to H. B. No. 123 be concurred in.

BURKE, Chairman.

The report was received and adopted.

Senate amendments to H. B. No. 123 were concurred in by the following vote, and H. B. No. 123 referred to the Committee on Enrollment:

Ayes—Annear, Ash, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burke, Butler, Carpenter, Fitschen, Fleming, Goodell, Gorman, Graves, Kilgallon, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Swett, Tallant, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter—39.

Noes—None.

The hour having arrived for the special order—H. B. No. 110—the House resolved itself into a Committee of the Whole, Burke in the chair.

10 P. M.

House resumed.

The Speaker *pro tem.* in the chair.



Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 110 and 219, respectfully report the same back with the recommendation that they pass as amended.

BURKE, Chairman.

Amendments to H. B. No. 110:

Amend Section 1 (printed bill) by striking out all of lines 6 to 12, inclusive, and insert: "with the line between the Ranges 11 and 12 West, and running thence North by township lines to the intersection with the divide between Big Blackfoot and Hell Gate Rivers; thence westerly along the summit of said divide to the intersection with the west boundary line of Deer Lodge County; thence following."

Strike out the words "John J. McHatton" wherever they appear in the bill and insert in lieu thereof the words, "one of the Judges of the Judges of the Second Judiciary District."

Amend line 57, Section 5, by striking out the words "each of said Counties of Granite and Missoula," and insert in lieu thereof "Missoula County and that part of Granite County taken from Missoula."

Strike out the words "the mouth of Rock Creek on Hell Gate River, thence continuing along said line extended due West to a point on the summit of the range of mountains between Rock Creek and Bitter Root Rivers," found after the words "Deer Lodge County," on lines 20, 21, 22, 23 and 24 of Section 1 of original bill, and insert the following:

"To the Northeast corner of Ravalli County, thence along the North boundary line of said county to a point due North of the summit of the mountain range dividing Rock Creek and Bitter Root River."

After the word "State," found on line 3 of Section 2, insert the following:

"And regular terms of the District Court as fixed by law shall be held at the County Seat of said County of Granite."

Strike out the name "J. W. Blair," found on line 4, Section 10, and insert in lieu thereof the name "George B. Cain."

Strike out the name "Daniel Arms," found on line 7, Section 10, and insert in lieu thereof the name "John H. Cole."

Strike out the name "A. Huffman," found on line 6, Section 10, and insert in lieu thereof the name "Ernest C. Freyschlag."

Strike out the name "Arthur A. Fairburn," in line 8, Section 10, and insert in lieu thereof the name "Arthur A. Fairbairn."

Strike out the name "George A. Reek," found on line 9 of said Section 10, and insert in lieu thereof the name "George J. Reek."

Strike out the name "William Albright," line 10 of Section 10, and insert in lieu thereof the name "William E. Allbright."

Strike out the name "Winfield Brown," found on line 11 of Section 10, and insert in lieu thereof the name "Wingfield L. Brown."

Amendments to H. B. No. 219:

Strike out, in line 12, after 1893, "Three hundred dollars" and insert "One hundred and fifty dollars."

Amend Section 1, lines 21 and 139, by striking out "three" and inserting in lieu thereof "fifteen."

Amend Section 1, lines 23 and 141, by striking out the word "twelve" and inserting in lieu thereof the word "eighteen."

Insert between lines 26 and 27 the words: "For office expenses for the State Board of Education, three hundred dollars; salary of the Clerk of State Board of Education, twelve hundred dollars."

Insert after line 36: "Salary of Commissioner of Agriculture, Labor and Industry, \$3,000; salary of Chief Clerk of Commissioner of Agriculture, Labor and Industry, \$1,500; office and traveling expenses of Commissioner of Agriculture, Labor and Industry, \$1,500."

Add after the word "pamphlets," in lines 78 and 197, the following words: "And all necessary expenses."

Insert between lines 144 and 145 the words "For office expenses for State Board of Education, three hundred dollars; for salary of Clerk of State Board of Education, twelve hundred dollars."

Insert after line 155: "For salary of Commissioner of Agriculture, Labor and Industry, \$3,000; salary of Chief Clerk of Commissioner of Agriculture, Labor and Industry, \$1,500; office and traveling expenses of Commissioner of Agriculture, Labor and Industry, \$1,500."

Amend line 172 by inserting the words "five hundred" before the word "dollars."

Strike out line 194.

Strike out all in lines 207 and 208 between the words "kinds," in line 207, and "ten," in line 208.

On motion of Walkup, report was adopted, and House Bills Nos. 110 and 219 were referred to the Engrossment Committee.

On motion of Loring, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

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## FIFTY-EIGHTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 1, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called—Quorum present.

Absent—Coder.

Prayer by the Chaplain.

On motion of Goodell, the rules were suspended, the reading of the Journal dispensed with and a committee of three, consisting of Messrs. Monteath, Fleming and Burke, was appointed to examine the Journal.

Reports of committee:



Monteath, Chairman of the Committee on Education, made the following report:

*Mr. Speaker:* Your Committee on Education, to whom were referred H. B. No. 186, to amend Section 1907, Fifth Division, Compiled Statutes; H. B. No. 187, to amend Sections 1925 and 1926, Fifth Division of Compiled Statutes, and H. J. M. No. 10, concerning sectarian appropriation, would respectfully report the same back without recommendation. Respectfully, MONTEATH, Chairman.

The report was received and House Bills Nos. 186 and 187 and H. J. M. No. 10 were placed on general orders.

Dudley, Chairman of the Committee on Game and Fish, made the following reports:

*Mr. Speaker:* Your Committee, to whom was referred S. B. No. 66, respectfully report the same back, recommending that it do pass.

DUDLEY, Chairman.

GEO. C. FITSCHEN.

J. R. MCKAY.

J. B. JEFFERS.

W. A. LOGUE.

Also—

*Mr. Speaker:* Your Committee, to whom was referred H. B. No. 177, respectfully report the same back, recommending that it do not pass.

DUDLEY, Chairman.

GEO. C. FITSCHEN.

J. R. MCKAY.

J. B. JEFFERS.

W. A. LOGUE.

Reports were received, and S. B. No. 66 and H. B. No. 177 were placed on general orders.

Butler, Chairman *pro tem.* of Engrossment Committee, made the following report:

*Mr. Speaker* Your Committee on Engrossment respectfully report the following bills, which were referred to them on date of February 27, correctly engrossed:

H. B. No. 110, "An act to create the County of Granite, to define its boundaries and to provide for its organization and government."

Also, H. B. No. 219, "An act to appropriate money for the Executive, Legislative and Judicial departments for the fiscal years ending December 1, A. D. 1893, and December 1, A. D. 1894."

Respectfully submitted,

(Signed) BUTLER, Chairman *pro tem.*

The report was received and House Bills Nos. 110 and 219 were placed on file for third reading.

By Fleming—*Mr. Speaker:* Your Committee on Apportionment and Representation, to whom was referred H. B. No. 216, "An act reapportioning the State of Montana into representative districts," beg leave to refer the same back to the House and recommend the following amendment:

Strike out all of line 22 in Section 1 and insert the following: "The County of Teton shall have one representative."

J. E. FLEMING, Chairman.



The report was received.

H. B. No. 216 was placed on general orders.

The Speaker announced that he was about to sign House Bills Nos. 17, 81, 67, 77 and 123, and he signed the same in the presence of the House.

On motion of A. F. Bray, and by unanimous consent, the rules were suspended and the following bills were read a third time by title, viz.:

Third reading of bills:

H. B. No. 219 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Bonner, A. F. Bray, Burrell, Burke, Butler, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lockhart, Logue, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tierney, Wahle, Ward, Walkup, Winter, The Speaker—38.

Noes—None.

Title agreed to.

H. B. No. 173 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tierney, Wahle, Ward, Walkup, Winter, The Speaker—33.

Noes—None.

Title agreed to.

H. B. No. 184 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Winter, The Speaker—34.

Noes—None.

Title agreed to.

H. B. No. 203 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, The Speaker—37.

Noes—None.

Title agreed to.

H. B. No. 204 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin,

Metzel, Monteath, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Winter, The Speaker—37.

Noes—None.

Title agreed to.

H. B. No. 205 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—39.

Noes—None.

Title agreed to.

H. B. No. 206 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 207 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—39.

Noes—None.

Title agreed to.

H. B. No. 209 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fleming, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—39.

Noes—None.

Title agreed to.

H. B. No. 135 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose,



Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Winter, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 136 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—40.

Noes—None.

Title agreed to.

H. B. No. 137 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Loring, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—40.

Noes—None.

Title agreed to.

H. B. No. 163 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 194 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 138 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Logue, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose,



Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 139 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Locky, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker

—44.

Noes—None.

Title agreed to.

H. B. No. 140 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Locky, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker

—43.

Noes—None.

Title agreed to.

H. B. No. 141 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Locky, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 142 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Locky, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 143 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis,

Lockey, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker

—44.

Noes—None.

Title agreed to.

H. B. No. 144 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Lawrence, Lewis, Lockey, Loring, Losee, McDonel, Martin, Metzel, Monteath, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Winter, The Speaker—39.

Noes—None.

Title agreed to.

H. B. No. 145 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 146 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, Burrell, Burns, Burke, Carpenter, Dudley, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 162 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 164 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue,



Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 168 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—44.

Noes—None.

Title agreed to.

H. B. No. 171 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, The Speaker—41.

Noes—None.

Title agreed to.

H. B. No. 172 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—None.

Title agreed to.

H. B. No. 170 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Sappington, Scharnikow, Swett, Tierney, Truman, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—44.

Noes—None.

Title agreed to.

H. B. No. 165 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen,



Fitzgerald, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Wilson, The Speaker—45.

Noes—None.

Title agreed to.

H. B. No. 166 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fitzgerald, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Winter, The Speaker—43.

Noes—None.

Title agreed to.

H. B. No. 167 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Leech, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Wilson, Winter, The Speaker—46.

Noes—None.

Title agreed to.

H. B. No. 199 was read a third time by title and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—43.

Noes—Burrell, Burns, Leech, Lockey, Tallant, Tierney—6.

Title agreed to.

H. B. No. 200 was read a third time by title and passed by the following vote:

Ayes—Annear, Babcock, Benson, Bonner, A. F. Bray, C. H. Bray, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—44.

Noes—Burrell, Burns, Leech, Lockey—4.

Title agreed to.

The following reports of committees were received:

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled:

H. B. No. 17, "An act legalizing certain funding bonds issued by counties in Montana;" also,

H. B. No. 81, "An act to protect State property;" also,

H. B. No. 67, "An act fixing the qualifications of electors upon questions authorizing the raising of money;" also,

H. B. No. 77, "An act appropriating money for the payment of statistics furnished the State by County Assessors for the years 1890, 1891 and 1892."

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 123, "An act to create a School for the Deaf and Dumb, and providing for the location thereof; and also providing for the education and maintenance of the blind and feeble-minded therein."

SCHARNIKOW, Chairman.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, February 28, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

A ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Baylies, Brown, Folsom, Goddard, Hatch, Power, Swift—7.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For W. A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Ward, Walkup, The Speaker—8.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For W. E. Hall: Annear—1.

For T. H. Kleinschmidt: Tierney—1.

For Jos. K. Toole: Smalley—1.

The President announced the vote of the Joint Assembly to be as follows:

For T. H. Kleinschmidt, 1 vote.

For W. A. Clark, 25 votes.

For W. W. Dixon, 11 votes.

For Lee Mantle, 31 votes.

For W. E. Hall, 1 vote.

For Jos. K. Toole, 1 vote.

Total votes cast, 70.

There being no choice the President declared no election.

On motion of Senator Goddard, the Joint Assembly was dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

On motion of Scharnikow, the House took a recess until 2 P. M.

#### AFTERNOON SESSION.

House resumed at 2:00 P. M.

The Speaker in the chair.

Quorum present.

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, February 28, 1893, at 11 A. M., delivered to Governor J. E. Rickards for his approval, House Bills Nos. 47, 76, 37, 67, 81, 17 and 77 and H. J. M. No. 5.

SCHARNIKOW, Chairman.

Third reading of bills:

On motion of A. F. Bray, by unanimous consent, the rules were suspended and H. B. No. 201 was read a time and passed by the following vote:

Ayes—Beecher, Bonner, A. F. Bray, Burrell, Burke, Carpenter, Fitschen, Fitzgerald, Fleming, Gorman, Graves, Kilgallon, Lewis, Lockhart, Logue, Losee, McDonel, McKay, Martin, Metzel, Sappington, Swett, Truman, Walkup, Winter, The Speaker—26.

Noes—Burns, Leech, Tallant—3.

Title agreed to.

H. B. No. 202 was read a third time and passed by the following vote:

Ayes—Annear, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fitzgerald, Fleming, Gorman, Graves, Kilgallon, Laurence, Lewis, Lockhart, Loring, McDonel, Martin, Metzel, Monteath, Sappington, Swett, Truman, Walkup, Winter, The Speaker—30.

Noes—Burns, Leech, Tallant—3.

Title agreed to.

H. B. No. 29 was read a third time and was lost by the following vote:

Ayes—Ash, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fitzgerald, Gorman, Leech, Monteath, Sappington, Walkup—18.

Noes—Annear, Fleming, Graves, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel,



Swett, Tallant, Truman, Van Cleve, Ward, Winter, The Speaker—21.

On motion of Monteath, by unanimous consent, the rules were suspended and H. B. No. 110 was read a third time by title and passed by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Fitzgerald, Fleming, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Loring, Losee, McDonel, Martin, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Ward, Walkup, Wilson—38.

Noes—Ash, Butler, Dudley, Fitschen, Lockhart, Logue, Metzel, Sappington, Wahle, Winter—10.

Title agreed to.

Scharnikow gave notice that on to-morrow he would move to reconsider the vote just taken.

Bach moved to reconsider now.

On motion of Tallant, both motions were laid on the table.

On motion of Bach, by unanimous consent, the rules were suspended and S. B. No. 26 was concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter—47.

Noes—None.

Title agreed to.

On motion of Bach, by unanimous consent, the rules were suspended and S. B. No. 10 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Benson, C. H. Bray, Burrell, Burns, Burke, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, Monteath, Murphy, Rose, Smalley, Tallant, Tierney, Van Cleve, Ward, Walkup, Wilson, Winter—33.

Noes—Beecher, Bonner, A. F. Bray, Butler, Fitschen, Jeffers, Kilgallon, Laurence, Logue, Martin, Metzel, Sappington, Scharnikow, Swett, Truman, Wahle, The Speaker—17.

Title agreed to.

On motion of Bach, by unanimous consent, the rules were suspended and S. J. R. No. 1 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, Losee, McDonel, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Winter, The Speaker—44.

Noes—None.

Title agreed to.

On motion of Monteath, by unanimous consent, the rules were suspended and S. B. No. 18 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Wilson, Winter, The Speaker—47.

Noes—Rose—1.

Title agreed to.

On motion of Graves, by unanimous consent, the rules were suspended and S. B. No. 34 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—None.

Title agreed to.

On motion of Graves, by unanimous consent, the rules were suspended and S. B. No. 46 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—50.

Noes—None.

Title agreed to.

On motion of Monteath, the rules were suspended by a vote of 37 ayes to 14 noes, and S. B. No. 40 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Burrell, Burns, Burke, Butler, Fitzgerald, Fleming, Gorman, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter—36.

Noes—Bonner, A. F. Bray, C. H. Bray, Carpenter, Dudley, Fitschen, Goodell, Graves, Jeffers, Kilgallon, Laurence, Metzel, Swett, Wilson, Mr. Speaker—15.

Title agreed to.

Bach moved to reconsider the vote on S. B. No. 40.



On motion of Bach, the motion to reconsider was laid upon the table.

On motion of Bach, the rules were suspended and S. B. No. 19, as amended by the House, was concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Fitschen, Goodell, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Winter—40.

Noes—None.

Title agreed to.

On motion of Tallant, the rules were suspended and S. B. No. 29 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Bach, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Winter, The Speaker—42.

Noes—None.

Title agreed to.

On motion of Tallant, the rules were suspended and S. B. No. 39 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Goodell, Graves, Jeffers, Kilgallon, Laurence, Leech, Lockhart, Loring, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Swett, Tallant, Tierney, Van Cleve, Wahle, Ward, Winter, The Speaker—35.

Noes—None.

Title agreed to.

On motion of Leech, the rules were suspended and S. B. No. 62 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Babcock, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Goodell, Graves, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Winter, The Speaker—36.

Noes—None.

Title agreed to.

On motion of Laurence, the rules were suspended and substitute for S. B. No. 14 was read a third time by title and concurred in by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, Burns, Burke, Butler, Fitschen, Goodell, Graves, Kilgallon, Laurence, Leech, Lewis, Lockhart, Loring, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Van Cleve, Wahle, Ward, Winter, The Speaker—35.

Noes—Truman—1.



Title agreed to.

On motion of Van Cleve, the rules were suspended and S. B. No. 56 was read a third time by title.

Lockey moved to lay S. B. No. 56 on the table.

The motion was lost by the following vote:

Ayes—Beecher, Kilgallon, Lockey, Lockhart, Logue, Martin, Tierney, Truman, Van Cleve, Ward, The Speaker—11.

Noes—Annear, Babcock, Bach, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Goodell Graves, Jeffers, Laurence, Leech, Lewis, Loring, McDonel, Metzel, Monteath, Rose, Scharnikow, Smalley, Swett, Tallant, Wahle, Winter—30.

Title agreed to.

S. B. No. 56, as amended by the House, was read a third time and concurred in by the following vote:

Ayes—Annear, Babcock, Bach, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Logue, Loring, McDonel, Martin, Metzel, Monteath, Rose, Smalley, Swett, Tallant, Winter—35.

Noes—Lockey, Tierney, Truman, Ward, The Speaker—5.

Title agreed to.

The following reports of committees were received:

*Mr. Speaker:* Your Committee on Privileges and Elections, having had under consideration S. B. No. 48, relative to registration and elections, ask leave to report the same back without recommendation.

(Signed)

BEECHER, Chairman.

S. B. No. 48 was placed on general orders.

By Walkup—*Mr. Speaker:* Your Committee on Printing, to whom were referred H. B. No. 213, entitled "An act to establish Boards of Police Commissioners in certain cities;"

H. B. No. 214, entitled "An act classifying the railroads in the State of Montana, prescribing the maximum rates for transportation of passengers over such railroads, and fixing penalties for violating the provisions of the act;"

H. B. No. 222, "An act to amend an act entitled 'An Act Providing for Printing and Distributing Ballots at the Public Expense, and to Regulate Voting at Territorial and Other Elections,'"—would respectfully report the same as having been correctly printed.

WALKUP, Chairman.

H. B. No. 213 was referred to the Committee on Affairs of Cities.

H. B. No. 214 was referred to the Committee on Railroads and Transportation.

H. B. No. 222 was referred to the Committee on Privileges and Elections.

By Bach—*Mr. Speaker:* Your Committee on Judiciary, to whom were referred S. B. No. 64, entitled "An act to create the Thirteenth Judicial District of the State of Montana and to provide for its organization;"

H. B. No. 215, entitled "An act to amend Subdivision 9, Section 642, First Division, Compiled Statutes of Montana;"

H. B. No. 217, entitled "An act to amend Section 1449, Fifth Division, Compiled Statutes of Montana;"

H. B. No. 221, entitled "An act to amend Section 134 of 'An Act Concerning Revenue,' approved March 6, 1891;"

H. B. No. 220, entitled "A bill for an act to amend Section 2 of Article XIII of the Constitution of the State of Montana, in relation to the limit of public indebtedness;"—beg leave to report the same back to your honorable body with the recommendation that the same be placed upon general orders, for the same reasons assigned in our last report.

BACH, Chairman Judiciary Committee.

S. B. No. 64 and House Bills Nos. 215, 217, 221 and 220 were placed on general orders.

Bach moved that Davidson and all other members be excused for all days upon which they have been absent. Carried.

Monteath moved that H. B. No. 188, "An act to create the County of Sweet Grass," be made a special order for 7:30 this evening.

Laurence moved to lay Monteath's motion on the table, which was lost by the following vote:

Ayes—Ash, Beecher, Benson, C. H. Bray, Butler, Fitschen, Jeffers, Laurence, Lockey, Lockhart, Logue, Metzel, Sappington, Truman, Wahle, Ward, Winter, The Speaker—18.

Noes—Annear, Bach, Bonner, A. F. Bray, Burrell, Burns, Burke, Carpenter, Fleming, Goodell, Gorman, Graves, Lewis, Losee, McDonel, Martin, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve—24.

Monteath's motion requiring a two-thirds vote for its adoption, was lost by the following vote:

Ayes—Annear, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Carpenter, Fleming, Graves, Lewis, Losee, McDonel, Martin, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Tierney, Van Cleve, Ward, The Speaker—24.

Noes—Ash, Bach, Beecher, C. H. Bray, Butler, Fitschen, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lockey, Lockhart, Logue, Metzel, Sappington, Truman, Wahle, Winter—19.

On motion of Lockey, the House took a recess until 7:30 P. M.

#### EVENING SESSION.

House resumed at 7:30 P. M.

The Speaker *pro tem.* in the chair.

Quorum present.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Kilgallon in the chair.

9:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

Kilgallon made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bills Nos. 5, 52, 36, 37, 27, 38, 53 and 61, respectfully report the same back with the recommendation that S. B. No. 5 be indefinitely postponed;



That Senate Bills Nos. 52, 36, 27, 53 and 61 be concurred in;  
 That S. B. No. 37 be not concurred in;  
 It reports progress on S. B. No. 38 and asks leave to sit again.

KILGALLON, Chairman.

On motion of Bach, the report was adopted.

On motion of Scharnikow, H. J. M. No. 3 was considered engrossed and placed on its final passage, and being read a third time was passed by the following vote:

Ayes—Ash, Bach, A. F. Bray, Burrell, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Goodell, Gorman, Graves, Kilgallon, Lockey, Lockhart, Logue, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Wahle, Ward, Winter, The Speaker—32.

Noes—None.

Title agreed to.

The following resolutions were introduced and adopted unanimously:

*Resolved by the House of Representatives*, That Mrs. A. L. Norville be allowed the sum of twenty dollars (\$20.00), payable out of the contingent fund of the Assembly, for the rent of one typewriting machine for sixty days, and that the State Auditor be authorized and instructed to draw his warrant on the Treasurer for said sum of twenty dollars in favor of said Mrs. A. L. Norville, and that the State Treasurer be directed to pay the same.

*Resolved by the House of Representatives*, That the Chief Clerk and Assistant Chief Clerk of the House be each allowed the sum of fifty (\$50.00) dollars, payable out of the contingent fund of the House, for services to be rendered after the close of the session in arranging, delivering and filing with the Secretary of State all the papers, bills and documents required by law to be filed with that officer.

*Resolved, further*, That upon the certificate of the Secretary of State that such duties have been performed, the Auditor is hereby authorized to draw his warrant upon the Treasurer for said sum of fifty dollars (\$50.00) to each of said clerks, and the Treasurer is hereby instructed to pay the same.

Lewis, Chairman of the Committee on State Boards and Officers, made the following report:

*Mr. Speaker*: Your Committee on State Boards and Officers, to whom were referred H. J. R. No. 3, directing the delivery of Journal and Laws of the Third Legislative Assembly to the members of said Assembly; and

H. B. No. 218, to provide for the advertising and letting of contracts for county printing, having had the same under consideration, respectfully report as follows:

That H. J. R. No. 3 do pass;

That H. B. No. 218 be placed on general orders.

LEWIS, Chairman.

H. J. R. No. 3 and H. B. No. 218 were placed on general orders.  
 On motion of Fitzgerald, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.



## FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 1, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker in the chair.

Roll called and all the members present except Coder.

Prayer by the Rev. Mr. Bell.

On motion of Goodell, the rules were suspended, the reading of the Journal dispensed with and Messrs. Monteath, Burke and Rose were appointed a committee to examine the Journal and approve the same.

The following reports of committees were received:

By A. F. Bray--*Mr. Speaker*: Your Special Committee appointed on H. B. 161 report the same back without recommendation.

(Signed) A. F. BRAY, Chairman.

H. B. No. 161 was placed on general orders.

On motion of Monteath, H. B. No. 157 was made a special order for 11 A. M. by a vote of 25 ayes, 5 noes.

On motion of Butler, H. B. No. 216 was made a special order for 11:20 A. M.

On motion of Lockhart, H. B. No. 196 was recalled from the Committee on Appropriations and Claims and placed on general orders.

On motion of Lockey, H. B. No. 87 was made a special order for 2 P. M.

On motion of Rose, H. B. No. 189 was made a special order immediately following H. B. No. 87.

On motion of Lockhart, H. B. No. 196 was made a special order to immediately follow H. B. No. 189.

On motion of Butler, H. B. No. 131 was made a special order for 3 P. M.

On motion of Bach, House Bills Nos. 193 and 155 were made a special order to immediately follow H. B. No. 131.

Lockey, Chairman of Committee on Ways and Means, made the following report:

*Mr. Speaker*: Your Committee on Ways and Means, having carefully considered S. B. No. 59, "A bill for an act concerning licenses," would recommend that Sections 1, 2 and 3 be adopted; that the remainder of said bill be stricken out; that two sections be numbered 4 and 5' and be added as follows:

"Section 4. All acts or parts of acts in conflict with this act are hereby repealed."

"Section 5. This act shall take effect and be in force on the first day of July, 1893." (Signed) LOCKEY, Chairman.

H. B. No. 59 was placed on general orders.

The following messages were received from the Senate:

## SENATE CHAMBER,

Helena, Montana, February 28, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Governor has approved S. B. No. 24.

The Senate has concurred in House amendments to S. B. No. 10, S. B. No. 19 and S. B. No. 56.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that Senate Bills Nos. 55 and 65 have passed the Senate, and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 67 has passed the Senate, and the same is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 74, 184 and 65 have been concurred in by the Senate and they are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 124, 125, 135, 136 and 137 have been concurred in and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 138, 139, 140, 141, 142, 143, 144, 145, 146 and 162 have been concurred in and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 163, 164, 165, 166, 167, 168, 170, 171, 172 and 173 have been concurred in and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

Also—

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 194, 199, 200, 201, 202, 203, 204, 205, 206 and 207 have been concurred in and are herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

On motion of Scharnikow, the rules were suspended and House Bills Nos. 55, 65 and 67 were read first and second times by title.

S. B. No. 65 was referred to the Committee on Towns, Counties and Highways.

S. B. No. 55 was referred to the Committee on Judiciary.

S. B. No. 67 was referred to the Committee on Railroads and Transportation.

House Bills Nos. 74, 184, 65, 124, 125, 135 to 146, inclusive; 162

to 168, inclusive; 170 to 173, inclusive; 194, 199 to 207, inclusive, were referred to the Enrollment Committee.

On motion of Metzel, the rules were suspended and S. B. No. 52 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Butler, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tierney, Truman, Wahle, Ward, Walkup, Wilson, The Speaker—38.

Noes—None.

Title agreed to.

On motion of Monteath, the rules were suspended and S. B. No. 53 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, Losce, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—42.

Noes—None.

Title agreed to.

On motion of Lewis, the rules were suspended and S. B. No. 36 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Benson, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Kilgallon, Laurence, Leech, Lewis, Lockhart, Loring, Losee, McDonel, McKay, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Truman, Wahle, Ward, Walkup, Winter, The Speaker—39.

Noes—None.

Title agreed to.

On motion of Laurence, the rules were suspended and S. B. No. 27 was read a third time and passed by the following vote:

Ayes—Annear, Bach, Burns, Burke, Carpenter, Dudley, Fitschen, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Loring, Losee, Martin, Monteath, Rose, Tierney, Truman, Wahle—23.

Noes—Ash, Bonner, A. F. Bray, Fitzgerald, Lockhart, Logue, McDonel, McKay, Metzel, Scharnikow, Swett, Ward, Walkup, Winter, The Speaker—15.

Title agreed to.

On motion of Monteath, S. B. No. 37 was indefinitely postponed.

On motion of Monteath, the rules were suspended and S. B. No. 61 was read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Bach, Bonner, A. F. Bray, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Sappington, Smalley, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Winter, The Speaker—40.



Noes—None.

Title agreed to.

The following reports of committees were received:

By Scharnikow—*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, March 1, 1893, at 10 A. M., delivered to Governor J. E. Rickards for his approval, H. B. No. 123.

SCHARNIKOW, Chairman.

By Annear—*Mr. Speaker*: Your Committee on Affairs of Cities, having had under consideration H. B. No. 213, "An act to establish Boards of Police Commissioners in certain cities," beg leave to report the same back to the House without recommendation.

(Signed) JOSEPH ANNEAR, Chairman.

H. B. No. 213 was placed on general orders.

By Bach—*Mr. Speaker*: The Judiciary Committee, to whom was referred S. B. No. 55, entitled "A bill for an act authorizing the ceding of certain jurisdiction," report the bill back to the House with the recommendation that the same be placed on general orders.

THOS. C. BACH, Chairman.

S. B. No. 55 was placed on general orders.

The following communication was received from the State Board of Examiners:

OFFICE OF THE STATE BOARD OF EXAMINERS,  
Helena, Montana, March 1, 1893.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith a statement of claims in the sum of \$60.80, which shows:

- (a) The names of persons, companies or corporations to whom the State is indebted;
- (b) The nature of the indebtedness or claim against the State;
- (c) The amount of such indebtedness or claim;
- (d) The amount approved by the Board;
- (e) The total amount;
- (f) The amount disallowed and the reason for disallowing the same;
- (g) The reason why the same has not been paid.

Accompanying this statement are bills presented to the Board in the nature of vouchers for the services rendered.

J. E. RICKARDS,  
L. ROTWITT,

Members State Board Examiners.

Vouchers accompanying the communication were referred to the Committee on Appropriations and Claims.

The Chairman of the Enrollment Committee of the Senate appeared before the bar of the House, was received, and the Speaker announced that he was about to sign S. J. R. No. 1, Senate Bills Nos. 10, 18, 26, 29, 34, 40, 46 and 62, and signed the same in the presence of the House.

The hour having arrived for the special order, the House resolved itself into a Committee of the Whole for the consideration of special orders, Graves in the chair.

11:45 P. M.

House resumed.

The Speaker in the chair.

Graves, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 157 and 216, beg leave to report and recommend:

That H. B. No. 157 do pass.

That H. B. No. 216 do pass as amended.

GRAVES, Chairman.

On motion of A. F. Bray, the report was received and adopted, and H. B. No. 216 was referred to the Engrossment Committee.

On motion of Monteath, the rules were suspended and H. B. No. 157 was considered engrossed, read a third time by title and passed by the following vote:

Ayes—Annear, Ash, Babcock, Beecher, Benson, Bonner, A. F. Bray, C. H. Bray, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Wilson, Winter, The Speaker—49.

Noes—Burrell—1.

Title agreed to.

The Committee on Railroads and Transportation made the following report:

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred H. B. No. 214, being a bill for "An act classifying the railroads in the State of Montana, prescribing the maximum rates for transportation of passengers over each railroad and fixing penalties for violating the provisions of this act," having had the same under consideration, respectfully report said bill back and recommend that the same do pass with the following amendment: After the word "three" on line 5 of Section 2 insert the words "and one-half." Respectfully submitted,

CHAS. H. BRAY, Chairman *pro tem*.

Also—

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred S. B. No. 67, being a bill for "An act relating to the purchase, consolidation, lease, sale and aiding of railroads in certain cases, and ratification of prior sales and conditions," having had the same under consideration, respectfully report said bill back with the recommendation that it do pass. Respectfully submitted,

CHAS. H. BRAY, Chairman *pro tem*.

H. B. No. 214 and S. B. No. 67 were placed on general orders.

By Tierney—*Mr. Speaker:* Your Committee on Incorporations and Manufactures, to whom were referred S. B. No. 54, being a bill for "An act relative to sureties in undertakings and bonds," and S. B. No. 58, to provide for the incorporation of companies to do the business of accident insurance on the assessment plan and to control

such companies of this State and of other States doing business in this State, having had the same under consideration, respectfully report said bills back and recommend that they be placed on general orders.

TIERNEY, Chairman.

Senate Bills Nos. 54 and 58 were placed on general orders.

By Smalley—*Mr. Speaker*. Your Committee on Towns, Counties and Highways, to whom was referred S. B. No. 63, for "An act to amend 'An Act Concerning Compensation of County, District and Township Officers,' approved March 6, 1890," having had the same under consideration, respectfully report said bill back with recommendation.

E. C. SMALLEY, Chairman.

VAN CLEVE.

BONNER.

WAHLE.

LORING.

BURNS.

TIERNEY.

LEWIS.

Also—

*Mr. Speaker*. Your Committee on Towns, Counties and Highways, to whom was referred S. B. No. 60, for "An act attaching portions of Meagher County to the Counties of Cascade and Yellowstone and changing the boundaries of Meagher, Cascade and Yellowstone," having had the same under consideration, respectfully report said bill back and recommend that it be placed on general orders.

Respectfully submitted,

E. C. SMALLEY, Chairman.

VAN CLEVE.

BONNER.

LORING.

WAHLE.

BURNS.

TIERNEY.

LEWIS.

The reports were received and Senate Bills Nos. 60 and 63 were placed on general orders.

The honorable, the Senate, appeared before the bar of the House, was received, and Senate and House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT ASSEMBLY.

#### HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, March 1, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The President announced that Senators Buford and Baylies were paired until the reappearance of Senator Baylies on the floor of the Joint Assembly.



The following telegram was read:

Received at Helena, Montana, 10:50 A. M., March 1, 1893.

Dated: BILLINGS, Montana, 9.

*To Hon. Thomas Matthews, Speaker:*

Have Clerk read following before Joint Assembly: Found my family much improved. Return to-day to Helena. Thank God don't have to accept bribe to perform a duty owed to my family.

C. L. CODER.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Brown, Folsom, Goddard, Hatch, Power, Swift—6.

For William A. Clark: Buford, Cardwell, Cullen, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For William A. Clark: Ash, Bach, Beecher, Butler, Davidson, Dudley, Fitschen, Kilgallon, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Truman, Wahle, Wilson—19.

For W. W. Dixon: Bonner, A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—9.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Graves, Huffman, Jeffers, Laurence, Leech, Lewis, Lockey, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Van Cleve, Winter—24.

For W. E. Hall: Annear—1.

For E. D. Matts: Tierney—1.

The President announced the vote of the Joint Assembly to be as follows:

Lee Mantle, 30 votes.

W. A. Clark, 24 votes.

W. W. Dixon, 12 votes.

W. E. Hall, 1 vote.

E. D. Matts, 1 vote.

Total votes cast, 68.

There being no choice the President declared no election.

On motion of Senator Matts, the Joint Assembly dissolved.

12:10 P. M.

House resumed.

The Speaker in the chair.

Reports of committee:

By Babcock—*Mr. Speaker:* Your Committee on Appropriations and Claims, having had under consideration H. B. No. 196, beg leave to report the same back without recommendation.

BABCOCK, Chairman.

H. B. No. 196 was placed on general orders.

On motion of C. H. Bray, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2:00 P. M.

The Speaker in the chair.

Quorum present.

The hour having arrived for special orders, the House resolved itself into a Committee of the Whole, Bach in the chair,

2:30 P. M.

House resumed.

The Speaker in the chair.

Bach, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 87, 189 and 196, beg leave to report the same back as follows:

That House Bills Nos. 87 and 196 do pass as amended.

That H. B. No. 189 do pass.

BACH, Chairman.

Amendments to H. B. No. 87:

First—That the title be amended to read “An act giving the consent of the State of Montana to the purchase by the United States of land in any city or town of the State for the purpose of United States Court House, Post Offices and for other like purposes,” approved March 5, 1891.

Second—That the figure 2 after the word “Section” in the seventh line of said bill be stricken out and the figure 1 be substituted in lieu thereof.

Third—That the figure 3 after the word “Section” in line 30 of said bill be stricken out and the figure 2 be substituted in lieu thereof; and recommend that as so amended the bill do pass.

Amendments to H. B. No. 196:

Amend by striking out the word “five” in line 5, printed bill, and insert in lieu thereof the word “two.”

Strike out the words “five hundred dollars” and insert in lieu thereof “two hundred dollars.”

Strike out the words “thirty thousand” and insert the words “five thousand.”

The report was adopted.

House Bills Nos. 87, 196 and 189 were referred to the Engrossing Committee.

The House resolved itself into a Committee of the Whole for the consideration of general orders, C. H. Bray in the chair.

3:00 P. M.

House resumed.

The Speaker in the chair.

C. H. Bray made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 38, report progress.

C. H. BRAY, Chairman.

The report was adopted.

The hour having arrived for special orders, the House resolved itself into a Committee of the Whole, C. H. Bray in the chair.

4:00 P. M.

House resumed.

The Speaker in the chair.

C. H. Bray, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 131, 193, 155, and S. B. No. 47, beg leave to report the same back as follows:

That House Bills Nos. 131 and 155 do pass as amended.

That S. B. No. 47 do pass as amended.

That H. B. No. 193 do pass.

C. H. BRAY, Chairman.

Amendments to S. B. No. 47:

Amend Section 5 by adding after line 41, printed bill, "within ten days after such contract is awarded."

Amend by striking out the word "three" in line 32 and insert in lieu thereof the word "two."

Amend by striking out the word "three" in line 82 and insert in lieu thereof the word "two."

Amendments to H. B. No. 131:

Amend by adding "Section 2. Sections 179, 180 and 181 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891, are hereby repealed."

Renumber Section 2 as Section 3.

On motion of Walkup, the report was adopted.

House Bills Nos. 131, 155 and 193 were referred to the Engrossing Committee.

S. B. No. 47 was placed on file for third reading.

The Chairman of the Enrollment Committee of the Senate appeared before the bar of the House, was received by the House, and the Speaker announced that he was about to sign Senate Bills Nos. 19, 14 and 39, and signed the same in the presence of the House.

On motion of Gorman, S. B. No. 65 was made a special order for 10:30 A. M. to-morrow.

On motion of Murphy, the House resolved itself into Committee of the Whole for the consideration of H. B. No. 61, Kilgallon in the chair.

4:45 P. M.

House resumed.

The Speaker in the chair.

Kilgallon, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 161, beg leave to report the same back amended, recommending that it do pass as amended.

KILGALLON, Chairman.

Amendments to H. B. No. 161:

Amend by substituting the old Territorial Seal as per description in Code Commissioners' report.

Report was adopted.

H. B. No. 161, as amended, was referred to Engrossing Committee.

Reports by Scharnikow:



*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 145, "An act to provide for the payment of Douglas Sampson for services rendered the State;"

Also, H. B. No. 199, "An act appropriating money for the use and benefit of the School of Mines;"

Also, H. B. No. 204, "An act to provide for the payment of the publication of notices of pardon;"

Also, H. B. No. 203, "An act to provide for the payment of T. H. Kleinschmidt for interest on money advanced for the payment of per diem of members of the First Legislative Assembly of the State of Montana;"

Also, H. B. No. 206, "An act to provide for labor done and supplies furnished to the Legislative Halls of the Third Session of the Legislative Assembly of the State of Montana;"

Also, H. B. No. 205, "An act to provide for the payment of bounties on stock-destroying animals." SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 200, "An act to appropriate money for the use and benefit of the State Normal School;"

Also, H. B. No. 194, "An act appropriating money for the relief of Charles Z. Pond for services rendered the State of Montana;"

Also, H. B. No. 65, "An act to amend an act entitled 'An Act Concerning the Storage of Gunpowder and Other High Explosives,' approved March 1, 1883, and for the better protection of unincorporated towns and villages;"

Also, H. B. No. 202, "An act appropriating money for the use and benefit of the State Agricultural College;"

Also, H. B. No. 146, "An act to provide for the payment of George W. Sproule for services rendered the State as Deputy Clerk of the Supreme Court;"

Also, H. B. 143, "An act to provide for the payment of the Helena Power and Light Company for electric light furnished the State of Montana;"

Also, H. B. No. 141, "An act to provide for the payment of Martin Maginnis, Mineral Land Commissioner, for salary and contingent expenses for the fiscal year of 1892;"

Also, H. B. No. 140, "An act to provide for the payment of Horace R. Buck for preparing an index to the Acts of the Second Legislative Assembly;"

Also, H. B. No. 139, "An act to provide for the payment of J. D. Taylor for supplies furnished to the House of Representatives of the First Session of the Legislature." SCHARNIKOW Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 125, "An act appropriating money for the relief of the Montana National Bank for money advanced in payment of salaries and mileage to the members of the First Legislative Assembly of the State of Montana;"

Also, H. B. No. 144, "An act to provide for the payment of Mrs. Janet C. Kinna for supplies furnished the State Senate of the First Legislative Assembly;"

Also, H. B. No. 135, "An act to provide for the payment of Joseph Hogan for office and traveling expenses as Mine Inspector;"

Also, H. B. No. 164, "An act to provide for the payment of H. S. Howell for services rendered the State."

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 171, "An act to appropriate money for the payment of certain persons for supplies furnished in fitting up rooms for the meeting of the Legislature;"

Also, H. B. No. 201, "An act appropriating money for the use and benefit of the State University;"

Also, H. B. No. 124, "An act entitled an act to provide for the payment of interest on the claims of certain members of the Legislature of the State of Montana;"

Also, H. B. No. 172, "An act to appropriate money for the payment of the Western Union Telegraph Company;"

Also, H. B. No. 173, "An act to appropriate money for the payment of certain persons for publishing notices of pardon by direction of the State Board of Pardons;"

Also, H. B. No. 184, "An act appropriating money to defray the expenses of the Montana State Firemen's Associations."

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 74, "An act entitled an act to amend Sections 96, 99, 100, 101, 102, 105, 107 and 121 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891;"

Also, H. B. No. 162, "An act to provide for the payment of the Independent Publishing Company for services rendered the State;"

Also, H. B. No. 165, "An act appropriating money for payment for rent of Legislative Halls, supplies furnished and labor performed for the Legislative Assembly of Montana;"

Also, H. B. No. 138, "An act to provide for the payment of E. W. Knight for money advanced to the Independent Publishing Company for printing and binding the Codes of the State of Montana, in accordance with contract therefor;"

Also, H. B. No. 136, "An act to provide for the payment of Bernard Brown for services rendered the State as an expert in examining the books of the State Auditor and State Treasurer;"

Also, H. B. No. 163, "An act to provide for the payment of Bernard Brown for services rendered the State;"

Also, H. B. No. 137, "An act to provide for the payment of G. C. Swallow for office and traveling expenses as Mine Inspector;"

Also, H. B. No. 142, "An act to provide for the payment of J. P. Blakely for services rendered the State as Custodian in charge of the buildings and lands at Fort Ellis."

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 207, "An act to provide for the payment of T. H. Kleinschmidt for moneys advanced in payment of per diem of members of the First Legislative Assembly;"

Also, H. B. No. 166, "An act to provide for the payment of C. J.



McSherry, as administrator of the estate of D. J. McDevitt, for services rendered the State by D. J. McDevitt, deceased;"

Also, H. B. No. 167, "An act to provide for the payment of R. P. Stout for services rendered the State as Private Secretary to the Governor and as Custodian of the State Armory;"

Also, H. B. No. 168, "An act to provide for the payment of John E. Lloyd and John M. Ramsey for transportation and board of convicts;"

Also, H. B. No. 170, "An act to appropriate money for the payment of officers and expenses of the Supreme Court."

SCHARNIKOW, Chairman.

The Speaker announced that he was about to sign House Bills Nos. 207, 166, 167, 168, 170, 74, 162, 165, 138, 136, 137, 142, 163, 171, 201, 124, 172, 173, 184, 125, 144, 135, 164, 200, 194, 65, 202, 146, 143, 141, 140, 139, 145, 199, 204, 203, 205 and 206, and he signed the same in the presence of the House.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 1, 1893.

7:30 P. M.

House resumed.

The Speaker in the chair.

Quorum present.

Butler, Chairman *pro tem.* of Engrossment Committee, made the following report:

*Mr. Speaker:* Your Committee on Engrossment respectfully report the following bills, resolution and amendments to S. B. No. 47 correctly engrossed:

H. B. No. 131, "An act to amend Section 167 of an act of the Second Legislative Assembly of the State of Montana entitled 'An Act Concerning Revenue;'"

H. B. No. 155, "An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana;"

H. B. No. 161, "An act providing for the Great Seal of the State of Montana, and describing the same;"

H. J. R. No. 3, directing the delivery to each member of the Third Legislative Assembly of the State of Montana a copy of the Journal of each house and of the laws enacted;

Also, amendments to S. B. No. 47, "An act to provide for the care, keeping, maintaining, custody and control of convicts for the State."

Respectfully submitted, BUTLER, Chairman *pro tem.*

S. B. No. 47 and House Bills Nos. 131, 155 and 161 were placed on file for third reading.

By Wilson—*Mr. Speaker:* Your Committee on Engrossment respectfully submit H. B. No. 216, "An act reapportioning the State of Montana into representative districts," correctly engrossed.

WILSON, Chairman.

Also—

*Mr. Speaker:* Your Committee on Engrossment respectfully submit the following engrossed bills:



H. B. No. 87, "An act giving the consent of the State of Montana to the purchase by the United States of land in any city or town of the State for the purpose of United States court houses, postoffices and for other like purposes;"

H. B. No. 196, "An act appropriating money to pay for selecting and locating and the purchase of a site for the State Deaf and Dumb School and for creating and making proper buildings and improvements thereon;"

H. B. No. 189, "An act to amend Section 75, Fourth Division, Compiled Statutes of Montana;"

H. B. No. 193, "An act to amend Section 513 of the Fifth Division, General Laws of the State of Montana."

WILSON, Chairman.

House Bills Nos. 216, 87, 196, 189 and 193 were placed on file for third reading.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, March 1, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 109 and 108 have been indefinitely postponed. Very respectfully, DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. B. No. 219 has been amended and concurred in as amended by Senate, and H. J. R. No. 3 has been concurred in and is herewith transmitted;

Also, that Goddard, by unanimous consent, without previous notice, introduced S. B. No. 68, "A bill for an act appropriating moneys for the payment of bounties on certain stock-destroying animals."

Very respectfully, DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. B. No. 209 has been concurred in as amended and is herewith transmitted. Very respectfully,

DAVID MARKS, Secretary.

House Bills Nos. 209 and 219 were placed on general orders.

Third reading of bills:

On motion of A. F. Bray, a call of the House was ordered.

The roll was called, and on motion of Bach, further proceedings under the call were dispensed with.

H. B. No. 216 was passed by the following vote:

Ayes—Annear, Ash, Beecher, A. F. Bray, Burns, Butler, Fitschen, Fleming, Gorman, Jeffers, Kilgallon, Laurence, Logue, Loring, Losee, Martin, Metzel, Monteath, Rose, Scharnikow, Smalley, Swett, Tallant, Truman, Ward, Wilson, The Speaker—28.

Noes—Bach, C. H. Bray, Burrell, Carpenter, Dudley, Goodell, Lockey, Lockhart, McDonel, McKay, Murphy, Sappington, Tierney, Wahle, Winter—15.

Title agreed to.

A. F. Bray moved to reconsider the vote on H. B. No. 216.

A. F. Bray moved to lay the motion to reconsider on the table.

On motion of Bach, a call of the House was ordered.

The roll was called and absentees noted.

On motion of A. F. Bray, further proceedings under the call were dispensed with. Ayes, 27; noes, 17.

A. F. Bray withdrew his motion to reconsider the vote on H. B. No. 216; also his motion to lay on the table.

On motion of A. F. Bray, the House took a recess until 7:30 P. M.

#### EVENING SESSION.

House resumed at 7:30 P. M.

The Speaker in the chair.

Quorum present.

On motion of Kilgallon, House Bills Nos. 181, 190, 118, 117 and 120 were made a special order, and the House resolved itself into a Committee of the Whole, Kilgallon in the chair.

8:10 P. M.

House resumed.

The Speaker in the chair.

Kilgallon made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 181, 190, 118, 120 and 117, beg leave to report as follows:

That House Bills Nos. 181 and 120 do pass, and that House Bills Nos. 118, 190 and 117 do pass as amended.

KILGALLON, Chairman.

Amendments to H. B. No. 117:

Amend Section 1, line 3; after the word "corral" insert "and who shall neglect to return such horses, mules or cattle immediately to their accustomed range."

Amendments to H. B. No. 118:

Amend Section 1 by inserting in line 2 (printed bill), between the words "driven" and "into," the following: "from any other State or Territory of the United States or any foreign country."

Amend Section 2, line 4, by inserting the word "such" between the words "all horses."

Amend Section 3, line 7, by inserting the word "such" between the words "all sheep."

Amend Section 6, line 17, by striking out the words "in which said stock is being driven," and insert in lieu thereof the words "in which judgment therefor is recovered."

Amendments to H. B. No. 190:

Section 1. That Section 4 of an act entitled "An Act Concerning the Compensation of County, District and Township Officers," approved March 6, 1891, be and the same is hereby amended to read as follows:

Section 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in Section 1 of this act is hereby fixed and limited as follows:

First Class—Under Sheriff, not to exceed eighteen hundred dollars; each deputy sheriff, not to exceed twelve hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of the District Court, not to exceed twelve hundred dollars; deputy

treasurer, not to exceed twelve hundred dollars; deputy assessor, not to exceed twelve hundred dollars.

Second Class—Under Sheriff, not to exceed fifteen hundred dollars; each deputy sheriff, not to exceed nine hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of the District Court, not to exceed twelve hundred dollars.

Third Class—Under Sheriff, not to exceed fifteen hundred dollars; each deputy sheriff, not to exceed eight hundred dollars; deputy clerk and recorder, not to exceed twelve hundred dollars; deputy clerk of the District Court, not to exceed twelve hundred dollars;

*Provided*, That the whole number of deputies and assistants allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation;

*Provided*, In no county shall the number exceed six deputies. The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class and one for counties of the third class;

*Provided, further*, That the whole number of deputies allowed the Treasurers of the first class shall not exceed one, and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the Board of County Commissioners; and no deputies shall be allowed the Treasurers of the second and third classes. The Assessor in the first class shall be allowed one deputy for twelve months of the year.

Such additional deputies for the first class shall receive a salary not to exceed one hundred dollars per month during the time of their service.

The number of deputies and their compensation allowed to the county officers within the maximum limits named in this act shall be determined by the Board of County Commissioners.

The salaries herein provided for, or so much thereof as shall be due and owing, shall be paid by warrants drawn on the general funds of their respective counties, in monthly installments, after they shall have filed verified bills, as officials are required to file under the provisions of this act, and said warrants shall be drawn at the close of each month by the County Clerk, and signed as herein provided for in the case of warrants in favor of officials, and such warrants may be presented, registered and paid in the same manner as warrants in favor of such officials.

On motion of Walkup, the report was adopted.

House Bills Nos. 181, 190, 118, 117 and 120 were referred to Committee on Engrossment.

The following resolution was introduced by Monteath:

*Resolved*, That on Thursday, at 11:30 A. M., the lobby and floor of the House be cleared of all parties not entitled to the privileges of the floor of the House; that each member of the House and Senate be entitled to four tickets each for distribution as he may see fit; that the Sergeant-at-Arms be requested to provide such tickets at 10 A. M. Thursday; that no one except such as may be entitled to the privileges of the floor under our rules, or those presenting proper tickets,



be admitted to the Assembly room after it has been cleared as above provided.

Adopted.

Scharnikow introduced the following resolution:

*Resolved by the House of Representatives*, That the Journal Clerk of the House be allowed the sum of fifty dollars (\$50), payable out of the contingent fund of the House, for services to be rendered after the close of the session in writing up and completing the Journal.

*Resolved, further*, That upon the delivery of said Journal to the Secretary of the State, fully completed, the Auditor is hereby authorized and instructed to draw his warrant upon the Treasurer in favor of John R. Eardley, the Journal Clerk of the House, for the sum of fifty dollars, and the State Treasurer is directed to pay the same.

Adopted unanimously.

On motion of Bach, the rules were suspended and H. B. No. 87 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Fitschen, Fitzgerald, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Smalley, Tierney, Truman, Wahle, Walkup, Winter, The Speaker—39.

Noes—None.

Title agreed to.

On motion of Walkup, the rules were suspended and all bills on file for third reading were ordered read by title only.

H. B. No. 193 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Tierney, Wahle, Ward, Walkup, Winter, The Speaker—40.

Noes—None.

Title agreed to.

H. B. No. 196 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, A. F. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Smalley, Tierney, Truman, Wahle, Ward, Walkup, Winter, The Speaker—40.

Noes—Graves—1.

Title agreed to.

H. B. No. 189 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Leech,

Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Tierney, Truman, Wahle, Ward, Walkup—39.

Noes—None.

Title agreed to.

H. B. No. 131 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Sappington, Swett, Tierney, Truman, Wahle, Ward, Walkup, Winter—40.

Noes—None.

Title agreed to.

H. B. No. 155 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Loring, McDonel, Martin, Metzel, Monteath, Murphy, Sappington, Swett, Tierney, Truman, Ward, Walkup, Winter, The Speaker—37.

Noes—Graves, Losee, McKay—3.

Title agreed to.

H. B. No. 161 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Swett, Tierney, Truman, Ward, Walkup, Winter, The Speaker—38.

Noes—Graves, Wahle—2.

Title agreed to.

S. B. No. 47 was read a third time as amended and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lockey, Lockhart, Loring, McKay, Metzel, Murphy, Sappington, Smalley, Tierney, Truman, Wahle, Ward, The Speaker—34.

Noes—Graves, Leech, Monteath, Rose, Swett—5.

Title agreed to.

The Speaker announced that he was about to sign House Bills Nos. 36, 53 and 61, and he signed the same in the presence of the House.

On motion of Walkup, the House adjourned.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

## SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 2, 1893.

House met pursuant to adjournment at 10 A. M.

The Speaker *pro tem.* in the chair.

Roll called and all members were present.

Prayer by the Chaplain.

Monteath, by leave, introduced H. J. R. No. 4, in relation to holding the joint session of to-day at the Auditorium building.

The rules were suspended, read first and second times, considered engrossed, read a third time and passed.

Title agreed to.

On motion of Tallant, the rules were suspended and the reading of the Journal was dispensed with.

Wilson made the following report:

*Mr. Speaker:* Your Committee on Engrossment respectfully report the following bills correctly engrossed:

H. B. No. 181, "An act to amend Sections 201 and 202 of an act entitled 'An Act Concerning Revenue,' approved March 6, 1891;"

H. B. No. 120, "An act to provide for the conditions upon which foreign corporations may do business in this State;"

H. B. No. 117, "An act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary range;"

H. B. No. 118, "An act with reference to the driving of stock into or through the State of Montana;"

H. B. No. 190, "An act to amend an act entitled 'An Act Concerning Compensation of County, District and Township Officers.'"

Respectfully submitted, (Signed) WILSON, Chairman.

House Bills Nos. 181, 120, 117, 118 and 190 were placed on file for third reading.

The following message was received from the Senate:

SENATE CHAMBER,

Helena, Montana, March 1, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Governor has approved Senate Bills Nos. 12, 26 and S. J. R. No. 1;

The Senate has concurred in House amendments to S. B. No. 47;

H. B. No. 64 was read a third time and was not concurred in by the Senate. Very respectfully, DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. J. R. No. 4 and H. B. No. 110 has been concurred in and is herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 131, 196 and 161 have been concurred in and are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.



*Mr. Speaker.* I am directed by the Senate to inform your honorable body that S. B. No. 69 has passed the Senate and is herewith transmitted.

Very respectfully,

DAVID MARKS, Secretary.

H. J. R. No. 4 and House Bills Nos. 110, 131, 161 and 196 were referred to the Enrollment Committee.

On motion of Scharnikow, the rules were suspended and S. B. No. 69 was read first and second times by title, and, on motion of Walkup, S. B. No. 69 was made a special order and the House resolved itself into a Committee of the Whole for its consideration, Burke in the chair.

10:30 A. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 69, report progress and ask leave to sit again.

BURKE, Chairman.

The report was adopted and leave granted.

On motion of Walkup, the special order—S. B. No. 65—was deferred until 2:30 P. M.

The following messages were received from the Governor:

GOVERNOR'S OFFICE,  
Helena, Montana, March 1, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I return herewith, without my approval, H. B. No. 39, being “An act to provide for the payment of bounties for the killing of certain stock-destroying animals.”

Experience has shown that too much care cannot be exercised in the enactment of bounty laws. When great care is not taken they may inflict a heavy tax upon the financial resources of the State without a corresponding benefit. It is still fresh in the memory of us all that only a few years ago it was necessary to reconvene the Legislature to repeal the bounty on prairie dogs, under the operation of which the State treasury was rapidly being depleted.

I regret exceedingly that I cannot see my way clear to approve H. B. No. 39, as it is in many respects an improvement over the old law. My objection lies against the proposition to increase the bounty on wolves and coyotes from \$2.00 to \$5.00. In support of this objection I would respectfully call your attention to the fact that two years ago the Legislative Assembly appropriated the sum of \$12,000 per annum to the payment of bounties. Not only was this appropriation of \$24,000 entirely exhausted, but the deficiency bill shows valid claims against the State for bounties, in excess of the appropriation, of \$26,000.

This expenditure by the State of nearly \$50,000 in two years for bounties was under a law providing for the payment of \$2.00 each

for wolves and coyotes. This bill increases the bounty on these animals to \$5.00, and were it to become a law it would, in my judgment, offer a premium for dishonesty, encourage fraud and necessitate an early session of the Legislature to protect the treasury of the State from the demands made upon it.

Respectfully, J. E. RICKARDS, Governor.

EXECUTIVE OFFICE,  
Helena, Montana, March 1, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 123, being “An act to create a School for the Deaf and Dumb and providing for the location thereof, and also providing for the education and maintenance of the blind and feeble-minded therein.”

I have also this day approved and signed H. B. No. 81, being “An act to protect State property.”

Respectfully, J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,  
Helena, Montana, March 1, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 77, being “An act appropriating money for the payment of statistics furnished the State by County Assessors for the years 1890, 1891 and 1892.”

I have also this day approved and signed H. B. No. 37, being “An act to provide further protection to game, fur-bearing animals, birds and fish.”

I have also approved and signed H. J. M. No. 5.

Respectfully, J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,  
Helena, Montana, March 1, 1894.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I hereby return H. B. No. 67, “An act fixing the qualifications of electors upon questions authorizing the raising of money,” without my approval. I am of the opinion that the same conflicts with Section 2 of Article IX of the State Constitution, which provides that every male person possessing the qualifications therein mentioned shall be entitled to vote “upon all questions which may be submitted to the vote of the people.”

The Constitution having prescribed what the qualifications of a voter shall be, I do not think the Legislative Assembly can restrict the right of those possessing such constitutional qualifications.

Respectfully, J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,  
Helena, Montana, March 2, 1893.

*To the Honorable Speaker of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 47, being “An act to amend Sections 3 and 4 of an act entitled ‘An Act Concerning the Compensation of County, District and Township Officers,’ approved March 6, 1891.”

I have also this day approved and signed H. B. No. 17, being “An act legalizing certain funding bonds issued by counties in Montana.”

I have also this day approved and signed H. B. No. 76, being “An act to amend Section 1908 of the Fifth Division of the Compiled Statutes of the State of Montana.”

Respectfully,

J. E. RICKARDS, Governor.

Helena, Montana, March 2, 1893.

*To the Honorable Speaker of the House of Representatives:*

I respectfully inform you that for the convenience of your Enrolling Committee, and for the purpose of expediting business, I may be found in Room 1, Power Building, after 3 P. M. during the remainder of the session of the Legislative Assembly.

Respectfully,

J. E. RICKARDS, Governor.

The Speaker *pro tem.* put the question: “Shall H. B. No. 39 pass notwithstanding the veto of the Governor?” upon which the roll was called with the following result:

Ayes—Ash, Burns, Goodell, Huffman, Lewis, Lockhart, Rose, Sappington, Tallant, Truman—10.

Noes—Annear, Bach, Benson, Bonner, Burrell, Burke, Butler, Carpenter, Dudley, Fitschen, Gorman, Laurence, Lockey, Loring, Martin, Metzel, Monteath, Scharnikow, Smalley, Tierney, Wahle, Ward, Walkup, Winter—24.

The bill was lost.

The Speaker *pro tem.* put the question: “Shall H. B. No. 67 pass notwithstanding the vote of the Governor?” and the roll was called with the following result:

Ayes—Ash, A. F. Bray, Burke, Fitschen, Goodell, Huffman, Lockey, Lockhart, McDonel, Martin, Sappington, Smalley, Truman—13.

Noes—Annear, Beecher, Benson, Bonner, Burrell, Burns, Coder, Carpenter, Dudley, Fitzgerald, Fleming, Graves, Jeffers, Kilgallon, Laurence, Leech, Lewis, Loring, Losee, Metzel, Monteath, Rose, Swett, Tallant, Tierney, Wahle, Ward, Walkup, Wilson, Winter—30.

The bill was lost.

On motion of Tallant, the rules were suspended and it was ordered that all bills on file for third reading should be read by title only.

H. B. No. 181 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Metzel, Monteath,



Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup—39.

Noes—None.

Title agreed to.

H. B. No. 190 was read a third time by title and passed by the following vote:

Ayes—Annear, Bonner, C. H. Bray, Burrell, Burns, Burke, Carpenter, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Jeffers, Kilgallon, Laurence, Lockey, Lockhart, Losee, McDonel, Martin, Metzel, Monteath, Murphy, Rose, Scharnikow, Swett, Tallant, Tierney, Wahle, Ward, Walkup—32.

Noes—Sappington—1.

Title agreed to.

H. B. No. 17 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Lewis, Lockey, Lockhart, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Sappington, Tallant, Tierney, Truman, Wahle, Ward, Walkup, Wilson—40.

Noes—None.

Title agreed to.

H. B. No. 120 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Huffman, Jeffers, Laurence, Lewis, Lockey, Lockhart, Loring, Losee, McDonel, Martin, Metzel, Monteath, Rose, Sappington, Swett, Tallant, Tierney, Truman, Wahle, Ward, Walkup—38.

Noes—None.

Title agreed to.

H. B. No. 118 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Bach, Beecher, Benson, C. H. Bray, Burns, Burke, Carpenter, Coder, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Jeffers, Laurence, Lewis, Lockey, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Murphy, Rose, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup—37.

Noes—None.

Title agreed to.

On motion of Walkup, the House resolved itself into a Committee of the Whole for the consideration of Senate Bills, Burke in the chair.

11:30 A. M.

House resumed.

The Speaker *pro tem.* in the chair.

Burke made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under

consideration Senate Bills Nos. 38, 45, 66 and 59, beg leave to report the same back and recommend that S. B. No. 38 be indefinitely postponed;

That S. B. No. 45 be concurred in;

That S. B. No. 66 be not concurred in;

That S. B. No. 59 be amended and concurred in.

BURKE, Chairman.

Amendments to S. B. No. 59:

Would recommend that Sections 1, 2 and 3 be adopted; that the remainder of said bill be stricken out; that two sections, to be numbered 4 and 5, be added as follows, viz.:

Section 4. All acts or parts of acts in conflict with this act are hereby repealed.

Section 5. This act shall take effect and be in force on the first day of July, A. D. 1893.

On motion of C. H. Bray, the report was adopted.

S. B. No. 38 was indefinitely postponed and Senate Bills Nos. 45, 66 and 59 were placed on file for third reading.

The Enrollment Committee made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 110, providing for the organization of Granite County.

LOSEE, Chairman *pro tem*.

The Speaker *pro tem*. announced he was about to sign H. B. No. 110 and signed the same in presence of the House.

On motion of Lockhart, the House proceeded to the Auditorium to vote for a Senator in Congress, and that after the Joint Assembly was dissolved the House take a recess for one hour.

HALL OF AUDITORIUM,  
Helena, Montana, March 2, 1893.

11:58 A. M.

House resumed in the Auditorium.

The Speaker *pro tem*. in the chair.

The honorable, the Senate, appeared before the bar of the House, was received, and the House and Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

JOINT ASSEMBLY.

HALL OF THE AUDITORIUM,  
Helena, Montana, March 2, 1893.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the roll of their respective bodies, and a quorum of the Senate and House, respectively, were found to be present.

The ballot of the Senate was then taken on United States Senator, which resulted as follows:

For Lee Mantle: Brown, Folsom, Goddard, Power, Swift—5.

For William A. Clark: Cardwell, Cullen, Hatch, Hoffman, McDermott, Steele—6.

For W. W. Dixon: Eggleston, Gibson, Matts—3.

The ballot of the House resulted as follows:

For W. A. Clark: Annear, Ash, Bach, Beecher, Butler, Coder, Davidson, Dudley, Fitschen, Graves, Kilgallon, Lewis, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Van Cleve, Wahle, Wilson—26.

For W. W. Dixon: A. F. Bray, Burke, Fitzgerald, Gorman, Smalley, Ward, Walkup, The Speaker—8.

For Lee Mantle: Babcock, Benson, C. H. Bray, Burrell, Burns, Carpenter, Fleming, Goodell, Huffman, Jeffers, Laurence, Locky, Losee, McKay, Metzel, Monteath, Rose, Swett, Tallant, Winter—20.

For T. H. Carter: Leech—1.

The President announced the vote of the Joint Assembly to be as follows:

For W. A. Clark, 32 votes.

For W. W. Dixon, 11 votes.

For Lee Mantle, 25 votes.

For T. H. Carter, 1 vote.

Total votes cast, 69.

There being no choice the President declared no election.

Senator Goddard moved that the Joint Assembly be dissolved without day.

The roll was called with the following result:

Ayes—Brown, Eggleston, Folsom, Gibson, Goddard, Matts, Power, Swift, Babcock, Benson, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Laurence, Leech, Locky, Losee, McKay, Metzel, Monteath, Rose, Smalley, Swett, Tallant, Ward, Walkup, Winter, The Speaker—37.

Noes—Cardwell, Cullen, Hatch, Hoffman, McDermott, Steele, Annear, Ash, Bach, Beecher, Bonner, Butler, Coder, Davidson, Dudley, Fitschen, Graves, Kilgallon, Lewis, Lockhart, Logue, Loring, McDonel, Martin, Murphy, Sappington, Scharnikow, Tierney, Truman, Van Cleve, Wahle, Wilson—32.

The President declared the motion carried, and the Joint Assembly dissolved without day.

2:10 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

The Chairman of the Enrollment Committee of the Senate appeared before the bar of the House, was received by the House, and the Speaker *pro tem.* announced that he was about to sign Senate Bills Nos. 47, 52 and 56 and signed the same in the presence of the House.

The House resolved itself into a Committee of the Whole for the consideration of general orders, Burke in the chair.

3:00 P. M.

House resumed.

The Speaker *pro tem.* in the chair.



Burke, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate amendments to House Bills Nos. 219 and 209 and Senate Bills Nos. 58 and 67, report the same back with the recommendation that Senate amendments to H. B. No. 219 relating to 1893 be not concurred in, and the committee report progress and ask leave to sit again on the bill as a special order at 7:30 P. M.;

That Senate amendments to H. B. No. 209 be concurred in;

That Senate Bills Nos. 58 and 67 be concurred in.

BURKE, Chairman.

On motion of Monteath, the report of the Committee of the Whole relating to H. B. No. 219 was not adopted.

On motion of Monteath, the balance of the report was adopted.

On motion of Monteath, Senate amendments to H. B. No. 219 were concurred in by the following vote:

Ayes—Babcock, Benson, C. H. Bray, Burrell, Burns, Burke, Carpenter, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Laurence, Leech, Lockey, Losee, McKay, Metzel, Monteath, Murphy, Rose, Smalley, Swett, Tallant, Ward, Walkup, Winter—30.

Noes—Annear, Ash, Bach, Beecher, Bonner, Butler, Coder, Fitschen, Kilgallon, Lewis, Lockhart, Loring, McDonel, Martin, Sappington, Scharnikow, Tierney, Truman, Wahle—19.

Carpenter moved to reconsider the vote on H. B. No. 219.

On motion of Monteath, the motion to reconsider was laid on the table.

The Chairman of the Enrollment Committee of the Senate appeared before the bar of the House, was received, and the Speaker *pro tem.* announced that he was about to sign S. B. No. 27, and signed the same in the presence of the House.

Senate amendments to H. B. No. 209 were concurred in by the following vote:

Ayes—Ash, Babcock, Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Burke, Butler, Carpenter, Coder, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Martin, Metzel, Monteath, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Wahle, Ward, Winter—42.

Noes—Murphy, Sappington—2.

On motion of Benson, S. B. No. 66 was indefinitely postponed.

Ayes, 25; noes, 18.

On motion of Tallant, the rules were suspended and S. B. No. 59 was read a third time and failed to pass by the following vote:

Ayes—Babcock, Bach, Beecher, Benson, Burrell, Burns, Fleming, Huffman, Jeffers, Leech, Lewis, Loring, McKay, Monteath, Tallant, Winter—16.

Noes—Ash, Bonner, C. H. Bray, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Goodell, Gorman, Graves, Kilgallon, Laurence, Lockey, Lockhart, McDonel, Metzel, Rose, Sappington, Scharnikow, Smalley, Swett, Tierney, Wahle—24.

Title agreed to.

On motion of C. H. Bray, the rules were suspended and S. B. No. 45 was read a third time by title and passed by the following vote:

Ayes—Babcock, Benson, Bonner, C. H. Bray, Burrell, Burns, Butler, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Tallant, Wahle, Ward, Winter—39.

Noes—None.

Title agreed to.

On motion of Goodell, the rules were suspended and S. B. No. 58 was read a third time and passed by the following vote:

Ayes—Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Jeffers, Kilgallon, Laurence, Leech, Lewis, Lockey, Lockhart, Logue, Loring, McDonel, Monteath, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward—33.

Noes—Metzel—1.

Title agreed to.

On motion of Leech, the rules were suspended and S. B. No. 67 was read a third time and passed by the following vote:

Ayes—Ash, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fitzgerald, Goodell, Huffman, Kilgallon, Laurence, Leech, Lewis, Lockey, Logue, Loring, Losee, McDonel, Metzel, Rose, Sappington, Smalley, Tallant, Tierney, Truman, Wahle, Ward, Wilson,—31.

Noes—Jeffers, Monteath—2.

Title agreed to.

The following messages were received from the Governor:

GOVERNOR'S OFFICE,  
Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 139, being “An act to provide for the payment of J. D. Taylor for supplies furnished to the House of Representatives of the First Session of the Legislature.”

Respectfully,

J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,  
Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 165, being “An act appropriating money for payment for rent of Legislative halls, supplies furnished and labor performed for the Legislative Assembly of Montana.”

I have also approved and signed H. B. No. 136, being “An act to provide for the payment of Bernard Brown for services rendered the



State as an expert in examining the books of the State Auditor and State Treasurer."

I have also approved and signed H. B. No. 163, being "An act to provide for the payment of Bernard Brown for services rendered the State."

I have also approved and signed H. B. No. 172, being "An act to appropriate money for the payment of the Western Union Telegraph."

I have also approved and signed H. B. No. 137, being "An act to provide for the payment of G. C. Swallow for office and traveling expenses as Mine Inspector."

I have also approved and signed H. B. No. 144, being "An act to provide for the payment of Mrs. Janet C. Kinna for supplies furnished to the State Senate of the First Legislative Assembly."

I have also approved and signed H. B. 135, being "An act to provide for the payment of Joseph Hogan for office and traveling expenses as Mine Inspector."

I have also approved and signed H. B. No. 141, being "An act to provide for the payment of Martin Maginnis, Mineral Land Commissioner, for salary and contingent expenses for the fiscal year of 1892."

I have also approved and signed H. B. No. 167, being "An act to provide for the payment of R. P. Stout for services rendered the State as Private Secretary to the Governor and as Custodian of the State Armory." Respectfully, J. E. RICKARDS, Governor.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 118, 117, 155 and 193 have been concurred in and are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 120, 87 and 190 have been concurred in and are herewith transmitted.

Very respectfully, DAVID MARKS, Secretary.

House Bills Nos. 117, 118, 155, 193, 120, 190 and 87 were referred to the Enrollment Committee.

The Enrollment Committee made the following reports:

*Mr. Speaker:* Your Committee on Enrollment respectfully report H. B. No. 131, "An act to amend an act of the Second Legislative Assembly of the State of Montana, entitled 'An Act Concerning Revenues;'"

H. B. No. 161, "An act providing for the Great Seal of the State of Montana, and describing the same;"

H. B. No. 193, "An act entitled an act to amend Section 573 of the First Division, General Laws of the State of Montana," and H. J. R. No. 3 as correctly enrolled.

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 209, "An act to provide money for services rendered the State;"



Also, H. B. No. 155, "An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana;"

Also, H. B. No. 118, "An act with reference to driving stock into or through the State of Montana;"

Also, H. B. No. 196, "An act appropriating money to pay for selecting and locating and the purchase of a site for the State Deaf and Dumb School, and for creating and making proper buildings and improvements thereon."

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 11:40 A. M., delivered to Governor J. E. Rickards for his approval House Bills Nos. 74, 162, 165, 138, 136, 163, 137, 142, 171, 201, 124, 172, 173; 184, 125, 144, 135, 164, 200, 194, 65, 202, 146, 143, 141, 140, 139, 145, 199, 204, 203, 206, 205, 207, 166, 167, 168 and 170.

SCHARNIKOW, Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 3:35 P. M., delivered to Governor J. E. Rickards for his approval H. B. No. 110.

J. B. LOSEE, Chairman *pro tem.*

The Speaker *pro tem.* announced that he was about to sign House Bills Nos. 209, 155, 118, 196, 131, 161 and 193, and signed the same in the presence of the House.

The hour having arrived for the special order—S. B. No. 65—the House resolved itself into a Committee of the Whole for its consideration, C. H. Bray in the chair.

4:20 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

C. H. Bray, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 65, report the same back with the recommendation that it be concurred in.

C. H. BRAY, Chairman.

Carpenter moved that the report be not adopted.

On motion of Butler, Carpenter's motion was laid on the table and the report was adopted.

On motion of Bach, S. B. No. 65 was placed upon its final passage.

On motion of Butler, the rules were suspended and S. B. No. 65 was read a third time by title and passed by the following vote:

Ayes—Bach, Beecher, Bonner, C. H. Bray, Burns, Butler, Coder, Dudley, Fitschen, Gorman, Jeffers, Kilgallon, Leech, Lockhart, Logue, Loring, McDonel, Martin, Sappington, Scharnikow, Tallant, Truman, Wahle, Wilson, Winter—25.

Noes—Burke, Carpenter, Fitzgerald, Fleming, Goodell, Huffman, Losee, Metzel, Murphy, Smalley, Tierney, Ward, Walkup—13.

Title agreed to.

The House resolved itself into a Committee of the Whole, C. H. Bray in the chair.

House resumed.

The Speaker *pro tem.* in the chair.

C. H. Bray, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bills Nos. 64, 69, 63, 54, 60, 55, 35 and 48, beg leave to report the same back as follows:

S. B. No. 69 be amended as follows, and concurred in as amended:

Amend S. B. No. 69 by inserting after the last line in the bill the following:

Frank Garrett, Committee Clerk .....	\$10 00
David Marks, for filing papers, etc.....	50 00
P. J. Gilligan, for filing papers, etc .....	50 00

Strike out the words and figures “(\$415.00) four hundred and fifteen dollars” in Section 1, line 2, and insert “(\$525.00) five hundred and twenty-five dollars” in lieu thereof;

That Senate Bills Nos. 54 and 48 be concurred in;

That Senate Bills Nos. 63, 60, 55, 35 and 64 be indefinitely postponed.

C. H. BRAY, Chairman.

On motion of Fleming, the report was adopted.

The Enrollment Committee made the following report:

*Mr. Speaker:* Your Committee on Enrollment respectfully report H. J. R. No. 4 correctly enrolled. Said resolution relates to the joint session at the Auditorium building on March 2, 1893.

Respectfully submitted, J. B. LOSEE, Chairman *pro tem*.

The report was received and the Speaker *pro tem*. announced that he was about to sign H. J. R. No. 4, and signed the same in the presence of the House.

On motion of Carpenter, and by unanimous consent, the rules were suspended and all bills on file for third reading were read a third time by title.

S. B. No. 54 was read a third time by title and concurred in by the following vote:

Ayes—Bach, Beecher, Benson, Bonner, C. H. Bray, Burrell, Burns, Carpenter, Coder, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Laurence, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Monteath, Swett, Tierney, Van Cleve, Wahle, Ward—28:

Noes—Tallant—1

Title agreed to.

S. B. No. 69 was read a third time and passed by the following vote:

Ayes—Bach, Benson, Bonner, C. H. Bray, Burrell, Burns, Carpenter, Coder, Dudley, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Lockey, Lockhart, Logue, Loring, Losee, McDonel, Martin, Sappington, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Winter—33.

Noes—None.

Title agreed to.

S. B. No. 48 was read a third time by title and concurred in by the following vote:

Ayes—Babcock, Benson, Bonner, A. F. Bray, C. H. Bray, Burrell,

Burns, Coder, Dudley, Fitzgerald, Fleming, Gorman, Graves, Huffman, Laurence, Lockey, Lockhart, Loring, Losee, McDonel, Monteath, Swett, Tallant, Truman, Van Cleve, Winter--26.

Noes—Bach, Fitschen, Kilgallon, Logue, Sappington, Wahle—6.

Title agreed to.

The following message was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. B. No. 68 has passed the Senate and is herewith transmitted. Very respectfully, DAVID MARKS, Secretary.

S. B. No. 68 was read first and second times and placed on general orders.

The House resolved itself into Committee of the Whole for consideration of S. B. No. 68, C. H. Bray in the chair.

5:30 P. M.

House resumed.

The Speaker *pro tem.* in the chair.

C. H. Bray, Chairman of the Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 68, report the same back, and recommend that it be concurred in. C. H. BRAY, Chairman.

S. B. No. 68 was read a third time and passed by the following vote:

Ayes—Benson, Bonner, A. F. Bray, C. H. Bray, Burrell, Burns, Butler, Carpenter, Coder, Dudley, Fitzgerald, Fleming, Goodell, Gorman, Graves, Huffman, Kilgallon, Laurence, Lockey, Logue, Losee, McDonel, McKay, Monteath, Sappington, Swett, Tallant, Truman, Van Cleve, Wahle, Ward, Winter—33.

Noes—Murphy.

Title agreed to.

On motion of Monteath, the following resolution was adopted:

*Resolved by the House of Representatives, the Senate concurring,* That the State Auditor is authorized, and instructed to draw his warrant on the appropriation for salaries of clerks and attaches of the House for the following persons, amounts and purposes, viz.:

For John R. Eardley, as Journal Clerk of the House, at \$6.00 per day.

For Mrs. DeLestry, as Stenographer of the House, at \$6.00 per day.

*Be it further resolved,* That the State Treasurer is directed to pay the same.

On motion of Lockey, the House took a recess until 9 P. M.

#### EVENING SESSION.

House resumed at 9 P. M.

The Speaker in the chair.

Quorum present.

Scharnikow made the following reports:



*Mr. Speaker.* Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 7:50 P. M., delivered to Governor J. E. Rickards for his approval House Bills Nos. 196, 118, 155, 209, 131, 161 and 193 and H. J. R. No. 3.

SCHARNIKOW, Chairman.

*Mr. Speaker.* Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 9:45 P. M., delivered to Governor J. E. Rickards for his approval House Bills Nos. 87, 117, 190 and 120, and H. J. R. No. 4 and H. B. No. 219.

SCHARNIKOW, Chairman.

*Mr. Speaker.* Your Committee on Enrollment respectfully report H. B. No. 219, "An act to appropriate money for the Executive and Judicial Departments for the fiscal years ending December 1, A. D. 1893, and December 1, 1894," correctly enrolled.

Respectfully submitted, J. B. LOSEE, Chairman *pro tem*.

*Mr. Speaker.* Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 87, "An act giving the consent of the State of Montana to the purchase by the United States of land in any city or town of the State for the purpose of United States Court Houses, Post Offices, and for other like purposes;"

Also, H. B. No. 117, "An act to prohibit any person or persons from driving horses, mules or cattle from their usual and customary ranges;"

Also, H. B. No. 190, "An act to amend an act entitled 'An Act Concerning the Compensation of County, District and Township Officers;'"

Also, H. B. No. 120, "An act to provide the conditions upon which foreign corporations may do business in this State."

SCHARNIKOW, Chairman.

The Speaker signed House Bills Nos. 87, 117, 120, 190 and 219 in the presence of the House.

The Speaker signed Senate Bills Nos. 45, 65, 67, 69, 68 and 58 in the presence of the House.

The House resolved itself into a Committee of the Whole, A. F. Bray in the chair.

9:45 P. M.

House resumed.

The Speaker in the chair.

A. F. Bray made the following report:

*Mr. Speaker.* Your Committee of the Whole, having had under consideration H. B. No. 152, beg leave to report that they have considered the same, and recommend it be considered engrossed and placed on file for third reading.

A. F. BRAY, Chairman.

The report was adopted.

On motion of Laurence, the rules were suspended and H. B. No. 152 was considered engrossed, read a third time and passed by the following vote:

Ayes—Annear, Benson, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Graves, Kilgallon, Laurence, Lockey, Lockhart, McDonel,

Monteath, Rose, Scharnikow, Tierney, Ward, Winter, The Speaker—27.

Noes—Ash, Beecher, Huffman, Jeffers, Loring, Metzel, Sappington, Truman, Van Cleve, Walkup, Wilson—11.

Title agreed to.

Fleming moved to reconsider the vote on S. B. No. 38.

On motion of Loring, the motion was laid on the table.

Walkup moved to take a recess for thirty minutes. Lost.

Walkup moved to reconsider the vote on S. B. No. 60.

On motion of Benson, the motion was laid on the table.

Matthews introduced, by unanimous consent, H. B. No. 223, appropriating moneys for certain persons for services rendered the State of Montana.

On motion of A. F. Bray, the rules were suspended and the bill was read first, second and third times and passed unanimously.

On motion of Scharnikow, the House resolved itself into a Committee of the Whole to consider House Bills Nos. 160 and 210, A. F. Bray in the chair.

10:15 P. M.

House resumed.

The Speaker in the chair.

A. F. Bray reported as follows:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 160 and 210, beg leave to report the same back and recommend that they do pass as read.

A. F. BRAY, Chairman.

Report was adopted.

On motion of Scharnikow, the rules were suspended and House Bills Nos. 160 and 210 were considered engrossed and placed on file for third reading.

H. B. No. 160 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Beecher, Benson, A. F. Bray, C. H. Bray, Burrell, Burns, Burke, Carpenter, Coder, Fitschen, Fitzgerald, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lockey, Lockhart, Logue, Loring, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Scharnikow, Smalley, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—42.

Noes—None.

Title agreed to.

H. B. No. 210 was read a third time and passed by the following vote:

Ayes—Annear, Ash, Beecher, Benson, A. F. Bray, C. H. Bray, Burrell, Burns, Carpenter, Coder, Fitschen, Fleming, Goodell, Gorman, Huffman, Kilgallon, Laurence, Leech, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Metzel, Monteath, Murphy, Rose, Sappington, Scharnikow, Swett, Tallant, Tierney, Truman, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—40.

Noes—Burke, Fitzgerald—2.

Title agreed to.

The following messages were received from the Governor:



GOVERNOR'S OFFICE,

Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved of H. B. No. 219, being “An act to appropriate money for the Executive, Legislative and Judicial departments for the fiscal years ending December 1, A. D. 1893, and December 1, A. D. 1894;”

I have disapproved, however, the clause reading as follows: “For bounty on stock-destroying animals, \$20,000;”

My reasons for this are that an appropriation bill, being S. B. No. 68, provides for this same item. Respectfully,

J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,

Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 171, being “An act to appropriate money for the payment of certain persons for supplies furnished in fitting up rooms for meeting of the Legislature;”

I have also approved and signed H. B. No. 173, being “An act to appropriate money for the payment of certain persons for publishing notices of pardon by direction of State Board of Pardons.”

Respectfully,

J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,

Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 110, being “An act to create the County of Granite, to define its boundaries and to provide for its organization and government.”

Respectfully,

J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,

Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 161, being “An act providing for the Great Seal of the State of Montana and describing the same;”

I have also approved and signed H. J. R. No. 3, relative to furnishing the members of the Third Legislative Assembly with copies of the Journals of the Senate and House, etc.;

I have also approved and signed H. B. No. 145, being “An act to provide for the payment of the Helena Power and Light Company, for electric light furnished to the First Legislative Assembly of the State of Montana;”

I have also approved and signed H. B. No. 204, being “An act to provide for the payment of the publication of notice of pardon;”



I have also approved and signed H. B. No. 209, being "An act to provide money for services rendered the State;"

I have also approved and signed H. B. No. 155, being "An act to amend Section 586 of the Fifth Division, Compiled Statutes of Montana;"

I have also approved and signed H. B. No. 170, being "An act to appropriate money for payment of officers and expenses of the Supreme Court;"

I have also approved and signed H. B. No. 145, being "An act to provide for the payment of Douglas Sampson for services rendered the State." Respectfully,  
J. E. RICKARDS, Governor.

GOVERNOR'S OFFICE,  
Helena, Montana, March 2, 1893.

*To the Honorable Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you that I have this day approved and signed H. B. No. 166, being "An act to provide for the payment of C. J. McSherry, as administrator of the estate of D. T. McDevitt, for services rendered the State by D. T. McDevitt (deceased);"

I have also approved and signed H. B. No. 140, being "An act to provide for the payment of Horace R. Buck, for preparing an index to the Acts of the Second Legislative Assembly;"

I have also approved and signed H. B. No. 146, being "An act to provide for the payment of Geo. W. Sproule for services rendered the State as Deputy Clerk of the Supreme Court;"

I have also approved and signed H. B. No. 194, being "An act appropriating money for the relief of Chas. Z. Pond for services rendered the State of Montana;"

I have also approved and signed H. B. No. 164, being "An act to provide for the payment of H. S. Howell for services rendered the State." Respectfully,  
J. E. RICKARDS, Governor.

The following messages were received from the Senate:

SENATE CHAMBER,  
Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that House Bills Nos. 160 and 210 have been concurred in and are herewith transmitted.

Very respectfully,  
DAVID MARKS, Secretary.

Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. C. R. No. 1 is herewith returned for the reasons set forth in the following of the Senate Judiciary Committee, which was adopted by the Senate:

*Mr. President:* Your Committee on the Judiciary, to whom was referred H. C. R. No. 1, beg leave to report the same back with the recommendation that the same be returned to the House with the following suggestions:

First—It is not in proper form for a joint resolution;

Second—It purports to carry with it an appropriation of money which can only be done by bill regularly introduced, referred to appropriate committee, printed and regularly passed.

GODDARD, Acting Chairman Judiciary Committee.

Very respectfully,

DAVID MARKS, Secretary.

Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. B. No. 216 has been concurred in as amended by the Senate. Very respectfully,

DAVID MARKS, Secretary.

Helena, Montana, March 2, 1893.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that H. B. No. 152 has been concurred in and is herewith transmitted, and H. B. No. 223 is returned and the attention of the House is called to Section 22, Article V, of the Constitution of Montana. Very respectfully,

DAVID MARKS, Secretary.

House resolved itself in a Committee of the Whole for consideration of Senate Amendments to H. B. No. 216, Kilgallon in the chair.

10:50 P. M.

House resumed.

The Speaker in the chair.

Kilgallon made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Amendments to H. B. No. 216, beg leave to report the same back and recommend that they be concurred in.

KILGALLON, Chairman.

On motion of C. H. Bray, the report was adopted, and Senate Amendments to H. B. No. 216 were concurred in by the following vote:

Ayes—Annear, Ash, Beecher, Benson, C. H. Bray, Burrell, Burns, Burke, Carpenter, Fitschen, Fitzgerald, Fleming, Gorman, Huffman, Kilgallon, Laurence, Leech, Lockey, Lockhart, Loring, Losee, McDonel, McKay, Murphy, Rose, Smalley, Swett, Tallant, Van Cleve, Wahle, Ward, Walkup, Winter, The Speaker—35.

Noes—Coder, Goodell, Jeffers, Metzel, Sappington, Tierney, Truman—7.

On motion of C. H. Bray, a vote of thanks was extended to the Honorable Speaker of the House of Representatives of the Third Legislative Assembly of the State of Montana, for the impartial manner in which he has presided over the House during the present session.

On motion of Lockhart, the following resolutions were unanimously adopted:

*Resolved by the House of Representatives,* That John R. Eardley, Journal Clerk of the House of Representatives, be allowed the sum of sixty dollars, payable out of the contingent fund of the House of Representatives for services rendered the State of Montana;

*Resolved, further,* That the State Auditor is hereby instructed to issue his warrant in favor of said John R. Eardley for said sum of



sixty dollars, and the State Treasurer is hereby directed to pay the same.

*Resolved by the House of Representatives*, That Mrs. DeLestry, Stenographer of the House of Representatives, be allowed the sum of sixty dollars for services rendered the State of Montana;

*Resolved, further*, That the State Auditor be instructed to draw his warrant in favor of said Mrs. DeLestry for said sum of sixty dollars, and the State Treasurer is hereby directed to pay the same.

On motion of Monteath, a committee of three were appointed to examine and approve the last two days' Journal of the present session.

The Speaker appointed as such committee Bach, Lockey and Carpenter.

On motion of Monteath, the Journal of all sessions of the House up to and including the fifty-eighth day, was approved.

The following messages were received from the Senate:

SENATE CHAMBER,

Helena, Montana, March 2, 1893.

*Mr. Speaker*: I am directed by the Senate to inform your honorable body that the Senate has adopted the following concurrent resolution:

*Resolved by the Senate, the House concurring*, That a Committee of five, consisting of two members of the Senate and three members of the House, be appointed to wait upon His Excellency the Governor and ask if he has any further communication to make with this session of the Legislative Assembly.

In accordance therewith Senators Goddard and Cardwell have been appointed as such committee on the part of the Senate.

Very respectfully, DAVID MARKS, Secretary.

The Speaker appointed as such committee in compliance with Senate message, Monteath, Burke and Losee.

The Enrollment Committee made the following report:

*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. No. 160;

Also—

*Mr. Speaker*: Your Committee on Enrollment beg leave to report as correctly enrolled H. B. Nos. 210 and 152.

SCHARNIKOW, Chairman.

Also—

*Mr. Speaker*: Your Committee on Enrollment, having had under consideration H. B. No. 216, report back that the same has been correctly enrolled.

Also—

*Mr. Speaker*: Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 11:45 P. M., delivered to Governor J. E. Rickards for his approval House Bill No. 216.

LOSEE, Chairman *pro tem*.

The Speaker announced that he was about to sign House Bills Nos. 216, 210, 152 and 260, and he signed the same in the presence of the House.

The following resolution was unanimously adopted:



*Resolved*, That the thanks of the House be tendered to the officers, clerks and attaches of the House for their faithfulness in the discharge of their various duties during the session now drawing to a close.

Scharnikow made the following report:

*Mr. Speaker.* Your Committee on Enrollment beg leave to report that they have this day, March 2, 1893, at 11:55 P. M., delivered to Governor J. E. Rickards for his approval House Bills Nos. 160, 210 and 152.

SCHARNIKOW, Chairman.

The Speaker signed Senate B. No. 48 in the presence of the House.

The committee appointed to call upon His Excellency the Governor reported that he had no further communication to make to the House.

12:00 MIDNIGHT.

The Speaker notified the House that the hour had arrived for the adjournment of the Third Session of the House of Representatives of the State of Montana, and declared the same adjourned without day.

THOMAS MATTHEWS, Speaker.

Attest: HENRY J. MEILI, Chief Clerk.

We, the Committee appointed to examine and approve the Journal of the fifty-ninth and sixtieth days, do hereby certify that we have examined the same and find them correct, and we hereby duly approve the same.

(Signed)

THOS. C. BACH,  
RICHARD LOCKEY,  
STEPHEN CARPENTER,  
Committee.











